

**PLANNING COMMISSION MEETING
AGENDA
CITY OF WHITE BEAR LAKE, MINNESOTA**

The City of White Bear Lake Planning Commission will hold a meeting on Monday, February 22, 2021 beginning at 7:00 p.m. Pursuant to a statement issued by the Mayor under Minnesota Statutes, section 13D.021 as a result of the COVID-19 pandemic, the meeting will be conducted electronically via WebEx. The meeting room at City Hall will not be open to the public.

1. Call to order and roll call.
2. Approval of the February 22, 2021 agenda.
3. Approval of the January 25, 2021 Planning Commission meeting minutes.
4. **CASE ITEMS:**
Unless continued, these cases will go to the City Council meeting on Tuesday, March 9, 2021.
 - A. **Case No. 21-1-CUP:** A request by **Brent & Melissa Peacock** for a Conditional Use Permit for a second curb cut, per Code Section 1302.050, Subd.4.h.9, in order to install a u-shaped driveway in front of the home at the property located at 2532 Manitou Island.
 - B. **Case No. 21-2-V:** A request by **Dave & Stephanie Herington** for an eleven foot variance from the 15 foot setback from a side property line, per Code Section 1303.040, Subd.5.c.2, in order to construct a living room addition four feet from the east property line at the property located at 2216 2nd Street.
 - C. **Case No. 21-2-CUP & 21-4-V:** A request by **Heartland TC Gun Club & Range** for a Conditional Use Permit for retail sales in the BW zoning district, per Code Section 1303.180, Subd.4.c, in order to sell sporting goods out of the proposed indoor commercial recreation facility, and a ten foot variance from the 15 foot setback required from a street right-of-way, per Code Section 1302.050, Subd.4.h.17.c, in order to locate parking five feet from the east property line at the property located at 4350 Centerville Road.
5. **DISCUSSION ITEMS:**
 - A. City Council Meeting Summary from February 9, 2021.
 - B. Park Advisory Commission Meeting Minutes from February 18, 2021 – Meeting Canceled.
6. **ADJOURNMENT**

Next Regular City Council Meeting February 23, 2021
Next Regular Planning Commission Meeting.....March 29, 2021

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
JANUARY 25, 2021**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, January 25, 2021, beginning at 7:00 p.m. via WebEx, pursuant to a statement issued by the Mayor under Minnesota Statutes, section 13D.021 as a result of the COVID-19 pandemic, by Chair Ken Baltzer.

1. CALL TO ORDER/ROLL CALL:

MEMBERS PRESENT: Michael Amundsen, Ken Baltzer, Jim Berry, Pamela Enz, Mark Lynch, and Erich Reinhardt.

MEMBERS EXCUSED: Peter Reis.

MEMBERS UNEXCUSED: None.

STAFF PRESENT: Anne Kane, Community Development Director, Samantha Crosby, Planning & Zoning Coordinator, and Ashton Miller, Planning Technician.

OTHERS PRESENT: Dan & Molly Guidinger.

2. APPROVAL OF THE JANUARY 25, 2021 AGENDA:

Member Lynch moved for approval of the agenda. Member Enz seconded the motion, and the agenda was approved (6-0).

3. APPROVAL OF THE NOVEMBER 30, 2020 PLANNING COMMISSION MEETING MINUTES:

Member Amundsen moved for approval of the minutes. Member Enz seconded the motion, and the minutes were approved (6-0).

4. CASE ITEMS:

A. **Case No. 21-1-V:** A request by **Dan & Molly Guidinger** for a 17.5 foot variance from the 20.5 foot setback required along a side abutting a public right-of-way, per Code Section 1302.030, Subd.20.b.2.d, in order to install a six person hot tub three feet from the north property line at the property located at 4955 Johnson Avenue.

Crosby discussed the case. Staff recommended approval subject to the conditions listed in the report.

Member Lynch asked if the variance applied only to the proposed hot tub and not future structures. Crosby confirmed, stating that any future projects would need to come before the Planning Commission.

Member Baltzer opened the public hearing.

Dan Guidinger, 4955 Johnson Avenue, Applicant, stated that he has spoken to surrounding neighbors and they are supportive of the request.

Member Baltzer closed the public hearing.

Member Enz commented that she did not believe the hot tub would be obstructive in any way.

Member Amundsen stated that there is no other viable location for the hot tub. He expressed his support for the request since the neighbor across the street approved the project.

Member Enz moved to recommend approval of Case No. 21-1-V. Member Berry seconded the motion. The motion passed by a vote of 6-0.

5. DISCUSSION ITEMS:

A. Chair & Vice Chair Elections.

Member Enz nominated Member Baltzer for his second consecutive year as chair of the Planning Commission, seconded by Member Lynch. The motion passed by a vote of 6-0. Member Reinhardt nominated Member Lynch for his second consecutive year as vice chair, seconded by Member Enz. The motion passed by a vote of 6-0.

B. City Council Meeting Summary of January 12, 2021.

Member Berry noted that the City Council did not support the Planning Commission recommendation of a paved trail in the Blustone Villa plat. Kane explained that the decision was based on a combination of objections from the developer and a lack of support from immediate neighbors.

Kane informed the Commissioners that progress is being made on the South Shore Boulevard trail. After working with the County and White Bear Township, a portion of South Shore Boulevard will be converted to a one-way for trail expansion.

Kane also reported that the Metropolitan Council has reviewed the 2040 Comprehensive Plan, which will come before the Planning Commission after some recommended minor changes are made.

C. Park Advisory Commission Meeting Minutes of January 21, 2021.

No Discussion.

6. ADJOURNMENT:

Member Amundsen moved to adjourn, seconded by Member Lynch. The motion passed unanimously (6-0), and the January 25, 2021 Planning Commission meeting was adjourned at 7:25 p.m.



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

MEMORANDUM

TO: The Planning Commission

FROM: Ashton Miller, Planning Technician

DATE: February 15, 2021 for the February 22, 2021 Planning Commission Meeting

SUBJECT Peacock Driveway, 2532 Manitou Island - Case No. 21-1-CUP

REQUEST

The applicant, Troy Kampa, on behalf of the homeowners, Brent and Melissa Peacock, is requesting a second curb cut, so that a new driveway can be connected to the existing driveway to create a u-shaped driveway in front of the home.

SITE CHARACTERISTICS

The subject site is located on the west side of the island just south of the park. The lot complies with both the size and width requirements of the code. The property currently has a two-car attached garage, a two car detached garage and a shed by the lake. The existing driveway is approximately 1,500 square feet in size.

ZONING

The subject property is zoned R1-I – Single Family Island and S – Shoreland Overlay, as are all surrounding properties.

BACKGROUND

According to Ramsey County, the house was built in 1951. A variance was granted in 1972 to allow the two car detached garage to be constructed 15 feet from the front property line rather than the 46 feet required by code at the time. Recently, an administrative variance was granted to allow the full reconstruction of the main level of the home on the same foundation. A variance request for a garage expansion was withdrawn in late 2020.

ANALYSIS

Staff supports the request for a second curb cut, for the reasons listed in the applicant's narrative. Because on-street parking is not allowed on this portion of the private road, the additional space for off-street parking is warranted. Further, as counted by the applicants, half of the properties on the island have two or more curb cuts, so the request is not unprecedented and not out of character with the surrounding neighborhood.

The proposed driveway addition will increase the impervious surface from 14.1% to 16.1%, well below the 30% maximum, so mitigation is not required. The driveway addition will meet setback

requirements. The maximum width allowed for a curb cut is 24 feet. The second curb cut will be 16 feet wide, while the existing curb cut slightly exceeds 24 feet. The applicants had not originally planned to replace the existing driveway. However, in discussions with the Mr. Kampa, the contractor, replacement may be imminent due to the difficulty in finding bricks to match. If the homeowners choose to replace the existing portion of the driveway, staff has included a condition that the curb cut be brought down to 24 feet in width to comply with current code.

In staff's opinion, the proposed driveway does not pose any conflicts and will not impede sight vision or vehicular movements. The Manitou Island Association Board has stated that there are no objections to the request.

SUMMARY

The City's discretion in reviewing a conditional use permit is limited to whether or not the changes meet the standards outlined in the Zoning Ordinance. Staff has reviewed the proposal for the second curb cut and finds the standards will be satisfied.

RECOMMENDATION

Staff recommends approval of the conditional use permit as requested, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after granting the conditional use permit, the use as allowed by the permit shall not have been completed or utilized, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council.
3. This conditional use permit shall become effective upon the applicant tendering proof (i.e. a receipt) to the City of having filed a certified copy of this permit with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. A zoning permit shall be obtained prior to construction of the driveway.
5. The existing driveway curb cut shall be reduced to 24 feet in width if this portion of the driveway is replaced.

Attachments:

1. Draft Resolution of Approval
2. Zoning/Location Map
3. Applicant's Request Narrative
4. Site Plan – 2 Pages
5. Impervious Surface Calculation Sheet

RESOLUTION NO. _____

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT
FOR 2532 MANITOU ISLAND
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-1-CUP) has been submitted by Brent & Melissa Peacock to the City Council requesting approval of a conditional use permit for the following location:

LOCATION: 2532 Manitou Island

LEGAL DESCRIPTION: Attached hereto as Exhibit A (PID #133022430023)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING PERMIT: A conditional use permit for two curb cuts, per Code Section 1302.050, Subd.4.h.9; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on February 22, 2021; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed conditional use permit upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake after reviewing the proposal, that the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. The traffic generation will be within the capabilities of the streets serving the site.
7. The special conditions attached in the form of conditional use permits are hereby approved.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the conditional use permit, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after granting the conditional use permit, the use as allowed by the permit shall not have been completed or utilized, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council.
3. This conditional use permit shall become effective upon the applicant tendering proof (i.e. a receipt) to the City of having filed a certified copy of this permit with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. A zoning permit shall be obtained prior to construction of the driveway.
5. The existing driveway curb cut shall be reduced to 24 feet in width if this portion of the driveway is replaced.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office.

I have read and agree to the conditions of this resolution as outlined above.

Applicant's Signature Date

Print Name Title

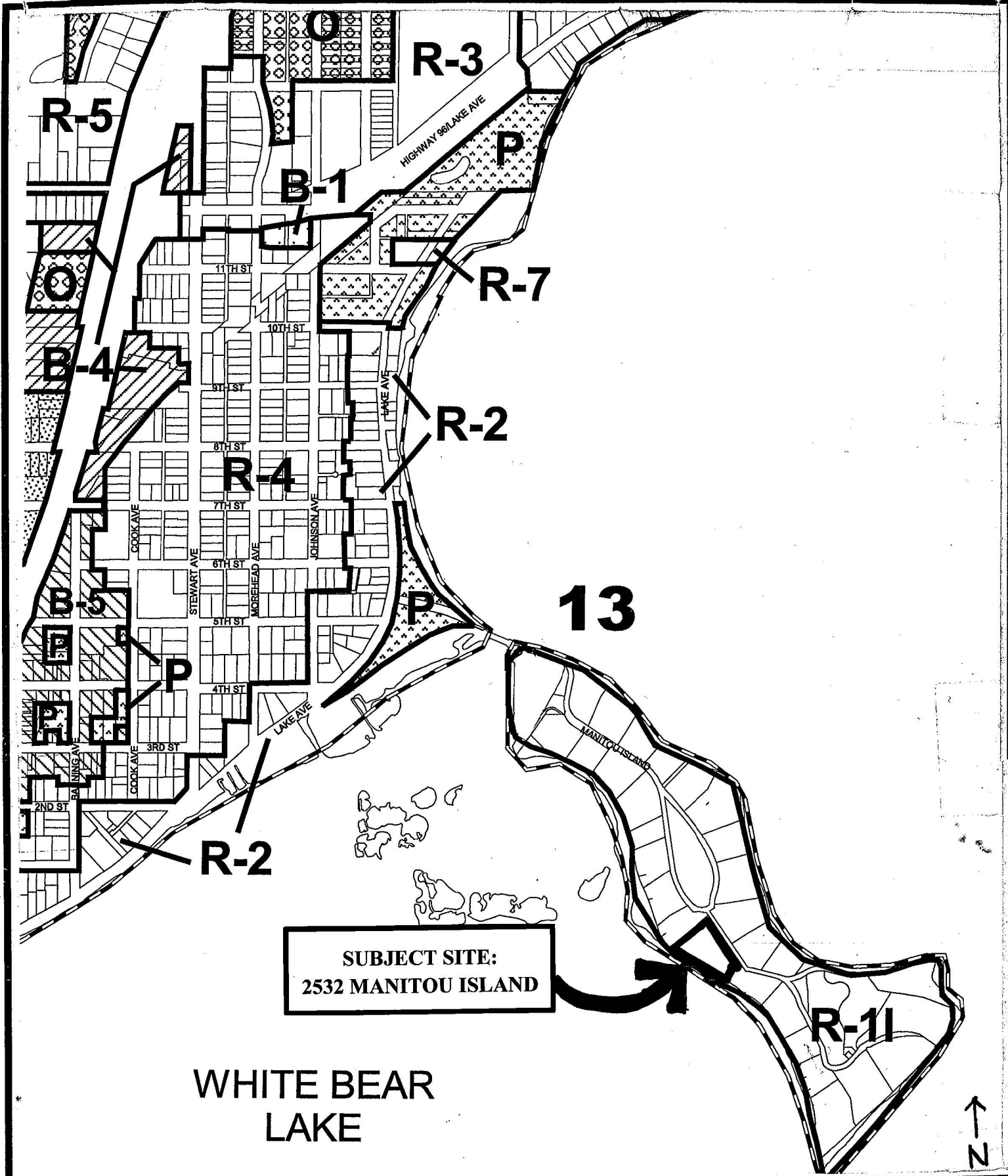
EXHIBIT A
Legal Description

That part of Lots 24 and 25, Map of Manitou Island, White Bear Lake, Minnesota lying Southeasterly of a line drawn parallel with and 193 feet Northwesterly from the longest straight line common to Lots 25 and 26 when measured at right angles thereto, including those portions of Park Avenue vacated lying between the two lines aforesaid together with that portion of Lot 25 sometimes referred to as Boat Lot 25, also Lot 26 (including that portion sometimes referred to as Boat Lot 26) and that portion of vacated Park Avenue South adjacent to Lot 26, which lies Westerly of premises conveyed to Harriet E. McMillan by the Manitou Island Land & Improvement Company by deed dated September 1, 1905, and recorded in the office of the Register of Deeds for Ramsey County, Minnesota, on the 19th day of October 1905, in Book 503 of Deeds on page 94 AND

Lots 58 and 59, Map of Manitou Island, White Bear Lake, Minnesota, except those parts lying Easterly of Shady Lane and Easterly of the present Park Drive established by the changing and widening at said Shady Lane (Sometimes referred to as Boat Lots 58 & 59).

EXCEPT

That part of Lots 24 and 25 Map of Manitou Island, White Bear Lake, Minnesota, lying northwesterly of a line parallel with and 118 feet northwesterly from the longest straight line common to Lots 25 and 26 when measured at right angles thereto and lying southeasterly of a line parallel with and 193 feet northwesterly from the longest straight line common to Lots 25 and 26 when measured at right angles thereto. Together with vacated road, according to the recorded plat thereof, and situated in Ramsey County, Minnesota.



**WHITE BEAR
LAKE**

**SUBJECT SITE:
2532 MANITOU ISLAND**

City of
White Bear Lake
Planning and Zoning Office
(612)-429-8561

CASE NO. : 21-1-CUP
CASE NAME : Peacock
DATE : February 22, 2021

Conditional Use Permit Application Description of Request:

Owner/Applicant: Brent and Melissa Peacock

Site Address: 2532 Manitou Island Avenue, White Bear Lake, MN 55110

Legal Description: See Survey

Background:

The owners purchased the property in May, 2020 and are currently in the process of renovating the house by rebuilding the main level and upgrading finishes, electrical, plumbing and mechanical. The exterior will also be completely redone giving the home a more traditional style as well.

Description of Request:

The owners/applicants request a Conditional Use Permit to add to the existing driveway in order to create a circular drive enabling vehicle access closer to the existing front door. Doing so would require additional impervious surface to the lot and an additional curb cut to the street. A Conditional Use Permit is required based on the following:

According to the White Bear Lake Community Development Department requirements for driveways, the General Provisions state that:

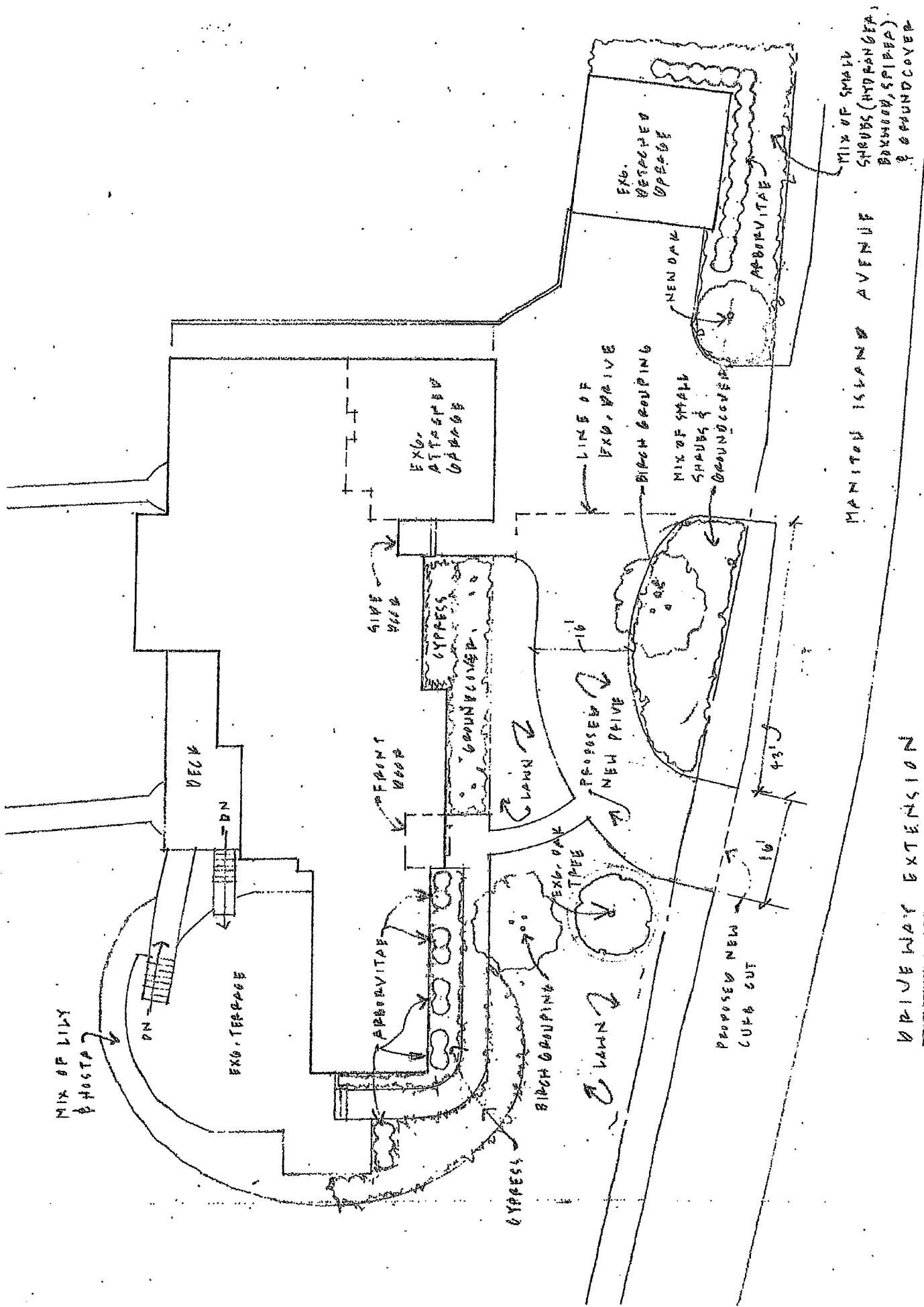
1. (Line 1. on WBL Handout): Single family uses shall be limited to (1) curb cut access per property, unless a Conditional Use Permit is reviewed by the Planning Commission and approved by the City Council.
2. (Line 4 on WBL Handout): Parking shall be prohibited in any portion of the front or side yard except designated driveways leading directly into a garage, or one (1) open, hard surfaced space located on the side of a driveway or garage. Such hard surface space shall not be located in front of the principal living area. Said space shall be surfaced with blacktop, concrete or other hard surface material approved by the City Engineer.
3. (Line 8 on WBL Handout): Off-street parking shall be provided for all vehicles concerned with any use on the lot.

Reasons for Conditional Use Permit Request:

The primary reason for adding to the existing driveway is to provide easy guest or delivery access to the existing front door of the house (see attached diagram). Additionally, street parking is currently not allowed in this portion of the neighborhood. In order to accommodate off-street parking for guests, additional driveway parking is needed for the limited times when guests or deliveries occur. Also, the current configuration of the drive and garages does not allow for the use of garage stalls and use of the existing drive for off-street parking simultaneously.

Because of the limited front yard dimension, the solution proposed here is to create a circular driveway (as an addition to the existing driveway) to provide for access to the front door and limited vehicle parking as needed. To do so would require an additional curb cut.

In addition, the Manitou Island neighborhood has many existing homes with circular drive configurations, likely for many of the reasons stated above. Of the 29 homes on the island, 16 of them have circular drives and/or more than one curb cut.



DRIVEWAY EXTENSION

2532 MANITO ISLAND AVE.

1" = 20'-0"

4 JAN. 81

HC



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IMPERVIOUS SURFACE CALCULATION WORKSHEET

An impervious surface is defined as an artificial or natural surface through which water, air or roots cannot penetrate. Landscape and decorative rock is not considered an impervious surface. Stepping stones are impervious. A deck is not an impervious surface, provided there is no concrete, plastic or other impervious material underneath the deck. All permanent pools are impervious.

*Any increase in impervious area over 30% must be mitigated by removal elsewhere or by installing a stormwater infiltration feature - see Stormwater Infiltration System Submittal Requirements handout.

Property Owner: BRENT & MELISSA PEACOCK

Site Address: 2532 MANITOW ISLAND AVENUE, WHITE BEAR LAKE, MN 55110

Lot Width (feet):

Lot Depth (feet):

Information on lot size can be found in your property records or on the Ramsey County GIS website: www.ramseycounty.us/residents/property/maps-surveys/interactive-map-gis

| Please use sq. ft. | Existing | Proposed | Change |
|-----------------------------------|------------|------------|---------------|
| Home | 3534 s.f. | 4020 s.f. | (+) 486 s.f. |
| Garage | 527 s.f. | 527 s.f. | 0 |
| Accessory Structures ¹ | 180 s.f. | 180 s.f. | 0 |
| Driveway | 1543 s.f. | 2555 s.f. | (+) 1012 s.f. |
| Sidewalks | 2825 s.f. | 2640 s.f. | (-) 185 s.f. |
| Patio Areas | 0 | 0 | 0 |
| Other: | 42 s.f. | 42 s.f. | 0 |
| Total Impervious | 8701 s.f. | 9964 s.f. | (+) 1263 s.f. |
| Total Lot Area | 61779 s.f. | 61779 s.f. | 0 |
| Percent Impervious ² | 14.1% | 16.1% | (+) 2% |

¹ Gazebo, sheds, etc.

² Total Impervious divided by Total Lot Area

If any porous paving credit have been grated for any of the above listed items, please explain:

Calculated by: TROY KAMPA, KAMPA STUDIO
LAKE & LAND SURVEYING INC.

Date: 01/06/21
10/5/20

Staff Approval by:

Date:



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

4.B

MEMORANDUM

TO: The Planning Commission

FROM: Ashton Miller, Planning Technician

DATE: February 18, for February 22, 2021 Planning Commission Meeting

SUBJECT: Herington Setback Variance, 2216 2nd Street – Case No. 21-2-V

REQUEST

The applicants, Dave & Stephanie Herington, are requesting an 11-foot variance from the 15-foot setback for the side property line in order to construct a living room addition 4 feet from the east property line.

SITE CHARACTERISTICS

The subject site is located on the south side of Second Street and east of Banning Avenue. The roughly 9,500 square foot lot contains a one and a half story single family home and detached garage. The lot is configured in such a way that it is 121 feet wide at the street and 65 feet wide in the rear.

ZONING

The subject site is zoned R-2, Single-Family Residential and S – Shoreland Overlay, as are the properties to the east, south and west. The properties to the north are R-4, Single Family-Two Family Residential and S.

BACKGROUND

According to Ramsey County, the existing home was built in 1936. In 2001, an 11' 4" variance was granted for the construction of the current deck that the applicants are proposing to replace with living space. The original report reasoned that the variance was warranted because the water faucet, dryer and furnace discharge, air conditioning unit and gas meter would need to be moved if the deck was located on the south side of the home.

APPLICANT'S PRACTICAL DIFFICULTY

The location of the home on the lot, the layout of the interior space, and the location of the utilities in the yard are the reasons for the variance request. See applicant's narrative.

ANALYSIS

The lot is an irregular shape, which limits the buildable space for an addition. As stated in their narrative, the applicants looked to add on to their home somewhere that did not require a

4.B

variance, but could not find an adequate location. Since the home is 16 feet from both side property lines, the back of the home is the only place where a variance would not be needed. However, because the rear of the home consists of two bedrooms and the utilities and driveway are in the back, the space does not work well for a living room addition.

Because the eastern property line pivots, the four foot setback will only apply to a small portion of the addition, approximately six feet, before the property line angles away from the home. The rear of the addition will meet the 15 foot setback required from the side property line. Further, the addition will be at least 15 feet from the garage on the neighboring property, which will provide a buffer between the living spaces of the two homes. The neighbors of that home, the Chelbergs, have submitted a statement supporting the variance request.

The amount of impervious surface on the property is grandfathered in. The applicants are proposing to remove a portion of their driveway and patio to offset the impervious surface of the addition and keep the percentage at 41.5%. The proposed addition will be guttered to direct runoff away from the neighboring property.

Finally, the proposed addition complies with other aspects of the code. It will meet the rear and front yard setbacks and the exterior materials (siding, roof, etc.) will match those on the existing home. With the removal of a portion of the driveway, the rear yard cover will be reduced as a part of this project, bringing it closer to the allowed 35% coverage.

SUMMARY

The City has a high level of discretion when approving or denying a variance because the burden of proof is on the applicant to show that they meet the standards of the ordinance. If the proposal is deemed reasonable (meaning that it does not have an adverse effect on neighboring properties, it is consistent with the Comp Plan, and it is in harmony with the intent of the Zoning Code) then the criteria have been met.

RECOMMENDATION

Staff recommends approval as requested subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
4. The addition shall be guttered to direct run-off away from the adjacent property to the east.
5. A building permit shall be obtained before any work begins.

Attachments:

1. Draft Resolution of Approval
2. Zoning/Location Map
3. Applicant's Narrative & Plans (8 pages)
4. Rear Yard Cover/Impervious Surface Worksheets (2 pages)
5. Neighbor Comment of Support – 2224 2nd Street
6. Neighbor Comment of Support – 4681 Lake Avenue

RESOLUTION NO. _____

**RESOLUTION GRANTING A SETBACK VARIANCE
FOR 2216 2nd STREET
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-2-V) has been submitted by Dave & Stephanie Herington to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 2216 2nd Street

LEGAL DESCRIPTION: Part of lots 6 and 7 lying SWLY of the extended NELY line of the SWLY 65 feet of lot 7 and lying NW of a line run NE at R.A. with SWLY line of lot 7 and from point thereon 18.5' NWLY from the most SLY corner of lot 7. Also, part of lot 7 lying W of a line run S at R.A. from point on N line of lot 7 and 32.3 feet E from N.E. corner of first described part of lots 6 and 7, Oaklawn Addition. (PID: 143022410122)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: An 11-foot variance from the 15-foot setback from a side property line, per Code Section 1303.040, Subd.5.c.2, in order to construct a living room addition 4 feet from the east property line; and

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on February 22, 2021; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variance will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variance is a reasonable use of the land or building and the variance is the minimum required to accomplish this purpose.
3. The variance will be in harmony with the general purpose and intent of the City Code.

4. The variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variance.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested variance, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
4. The addition shall be guttered to direct run-off away from the adjacent property to the east.
5. A building permit shall be obtained before any work begins.

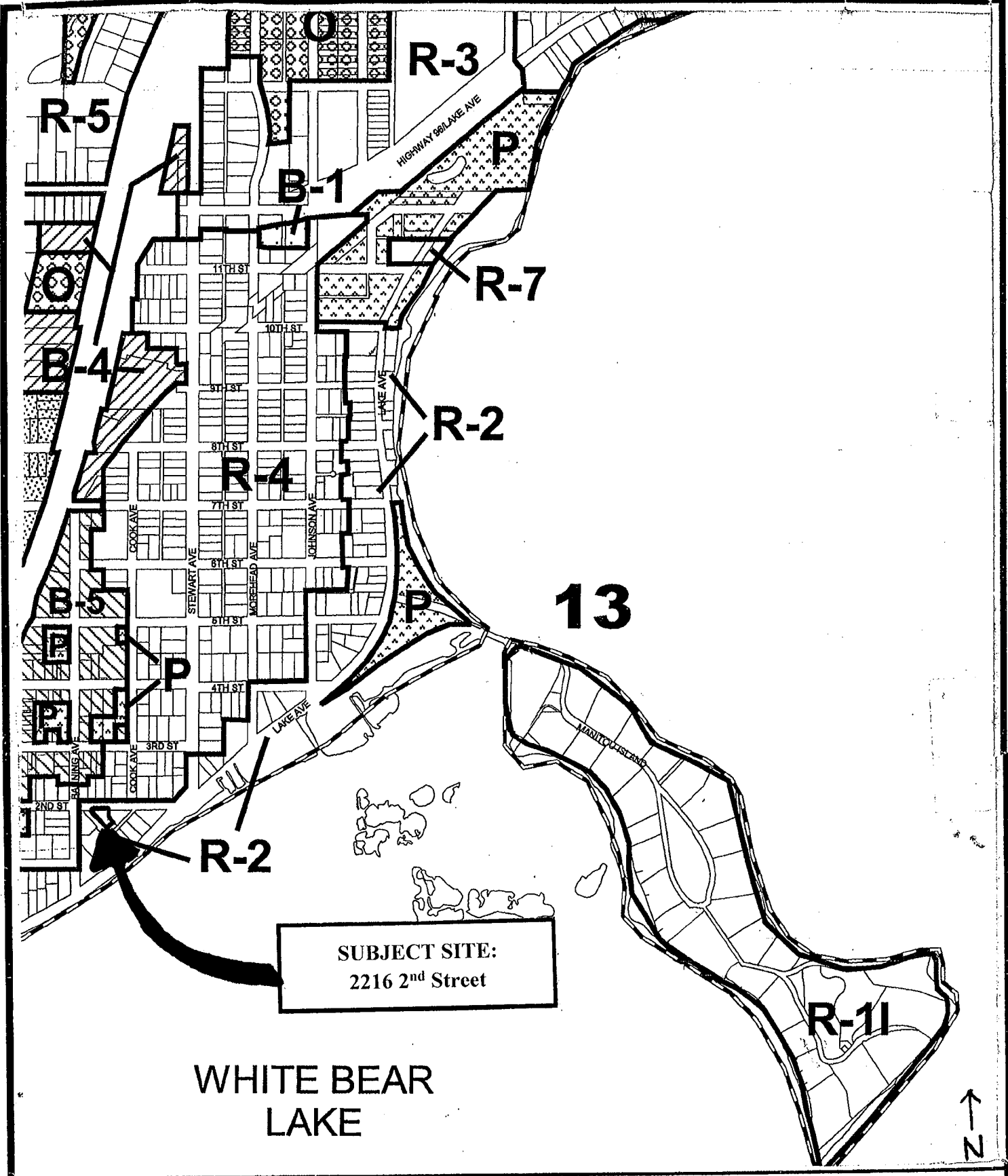
The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



**WHITE BEAR
LAKE**

City of
White Bear Lake
Planning and Zoning Office
(612)-429-8561

CASE NO. : 21-2-V
CASE NAME : Herington
DATE : February 22, 2021

To whom it may concern,

Hello! We are the Herington family of 2216 2nd Street, downtown White Bear Lake. In 2018 we purchased our property and have been meticulously updating the function and aesthetic of the property. We regraded and sodded the lawn, replaced the crumbling asphalt driveway, front walkway and stoop with cement and replaced all the original windows with more energy efficient double paned models. This year, we replaced the old white aluminum siding with dark gray Hardiboard and added a cedar deck and portico to the front entrance. While our 1936 house has brought a few hiccups, we LOVE the historic charm of our neighborhood and our neighbors. We have been blessed with some of the most caring and kind neighbors and feel very fortunate to have been able to purchase our home. And while 2100sq feet is plenty of home, the majority of the square footage is in the basement and on the second-floor master suite, leaving the main floor a little tight for our family and for entertaining. We would like to take our existing deck and patio, off of the sunroom, and make that into a 4 seasons family room. This room would include a mudroom (we have only one linen closet cupboard on the main floor) and a large table for games, crafts, homework and entertaining. It would also create space for a large seating area that would offer our guests a place to stay as well as a cozy space for all of us to gather for movie nights. This room would essentially be the most used room in the house giving our growing kids (16, 11 and 11) room to spread out on the main floor instead of the basement and their bedrooms.

An obvious question is why not expand elsewhere where variances don't need to be considered. We have researched this and we simply cannot find another viable and practical option. The back of the house is comprised of the two main-floor bedrooms and it does not make sense to have a family room only accessible through bedrooms. The opposite side of the house is the driveway and is our only access to the garage in the back of the house. We looked at expanding off the back of the sunroom, but all of the critical utilities sit there (hvac exhaust, gas meter, electric, air conditioning unit and exterior water line) and moving them would be cost prohibitive and impractical. Our neighbors, The Chelbergs, have their garage on the side adjacent to us and it sits about 15 feet off the property line, so we are not interfering with their living space (views, lighting, etc) and they have given us their blessing to make this addition (see attached letter).

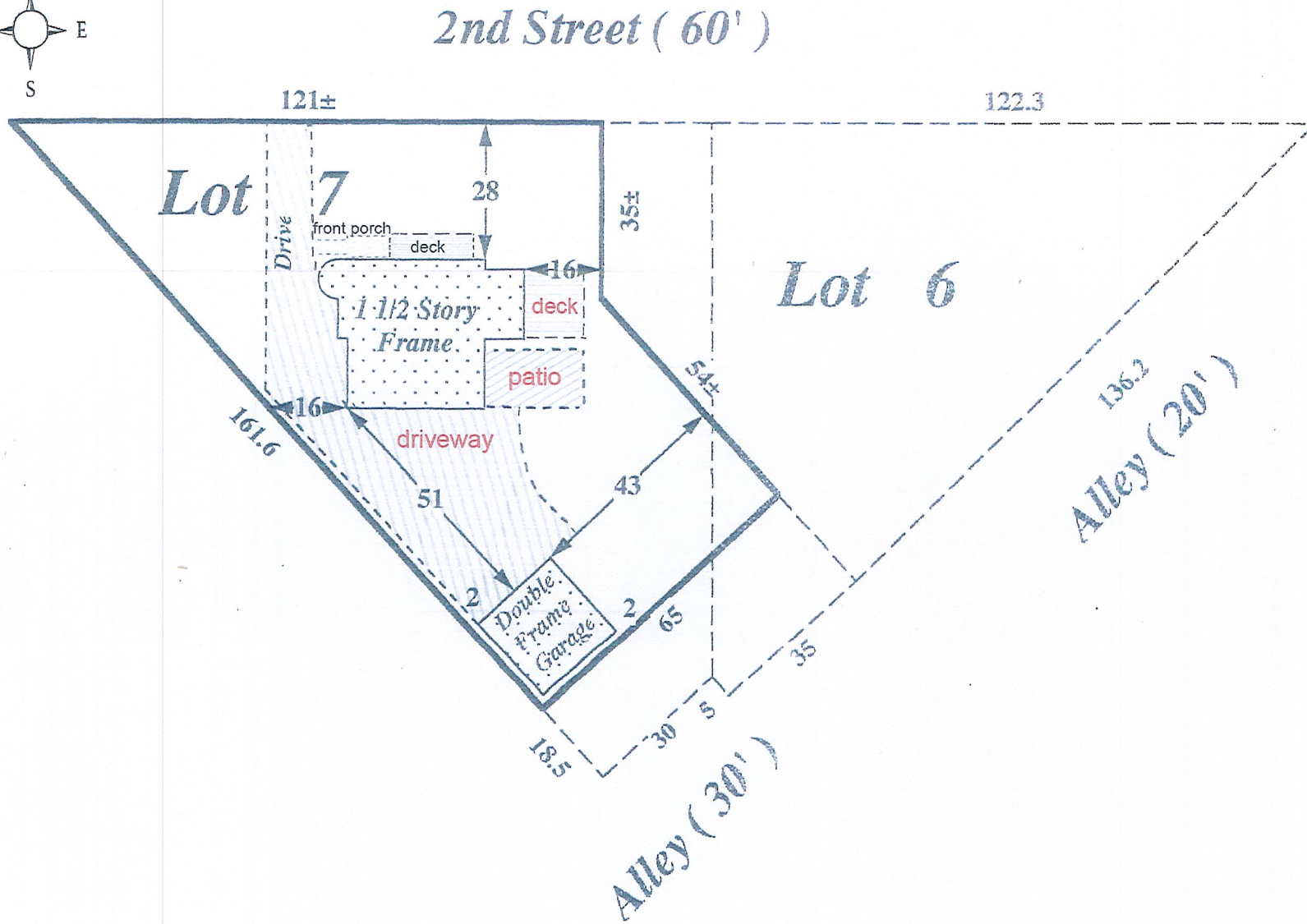
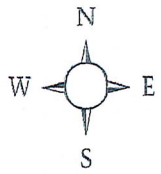
We also have plans to decrease the width of our driveway behind the house and replace it with grass to offset the impervious area that we plan to cover. We estimate that this will maintain the % impervious coverage on our property.

We love the look and feel of the front of our house and do not want to change the 1930's aesthetic. We believe the addition on the side will compliment the cosmetic changes we have already made to the house and provide the much-needed space for our family to enjoy while living in this beautiful neighborhood for many years to come.

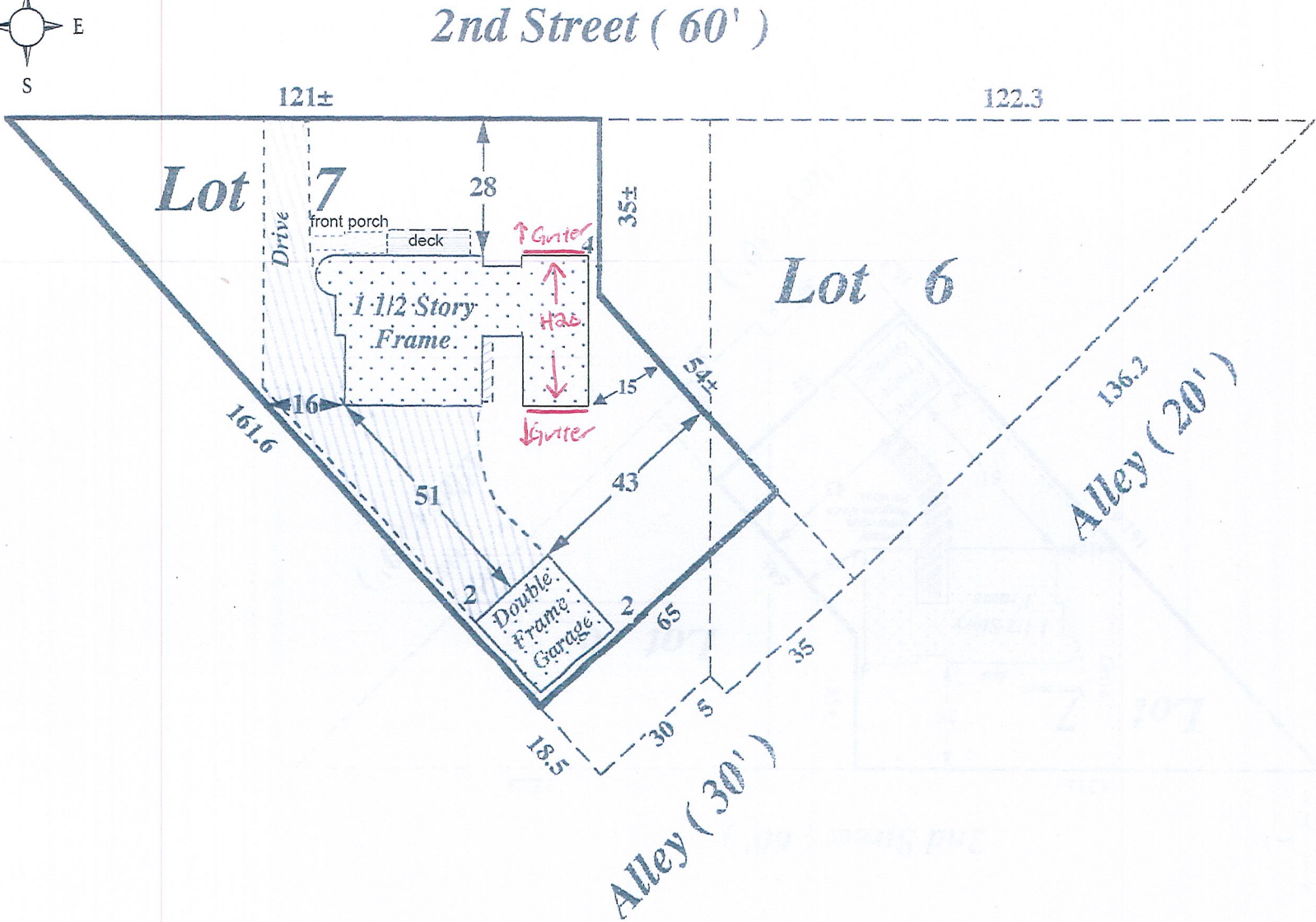
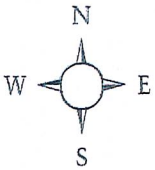
Thank you for taking time to consider our request,

Dave, Stephanie, Sophia, Madison and Jackson Herington

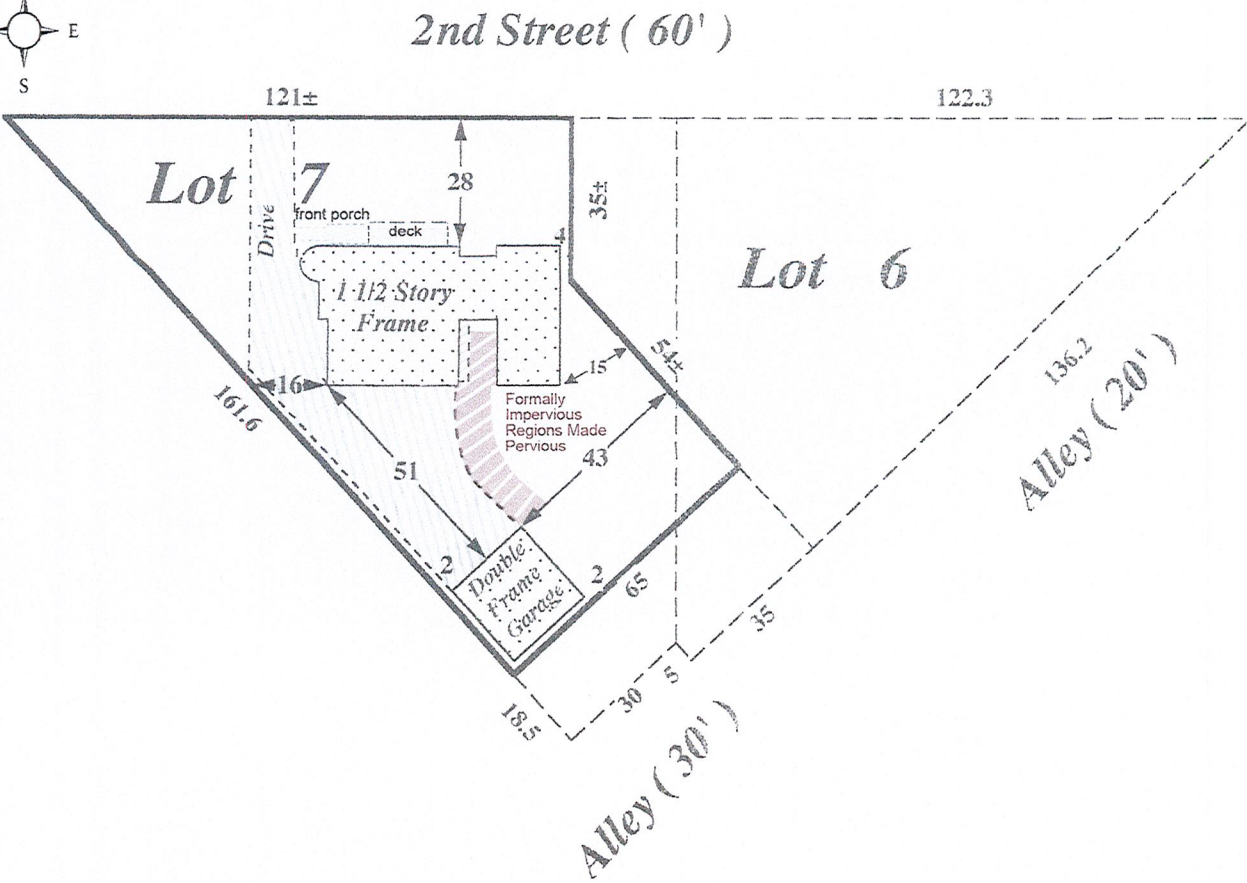
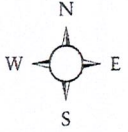
EXISTING SITE PLAN



PROPOSED SITE PLAN



PROPOSED SITE PLAN





PROPOSED
ADDITION



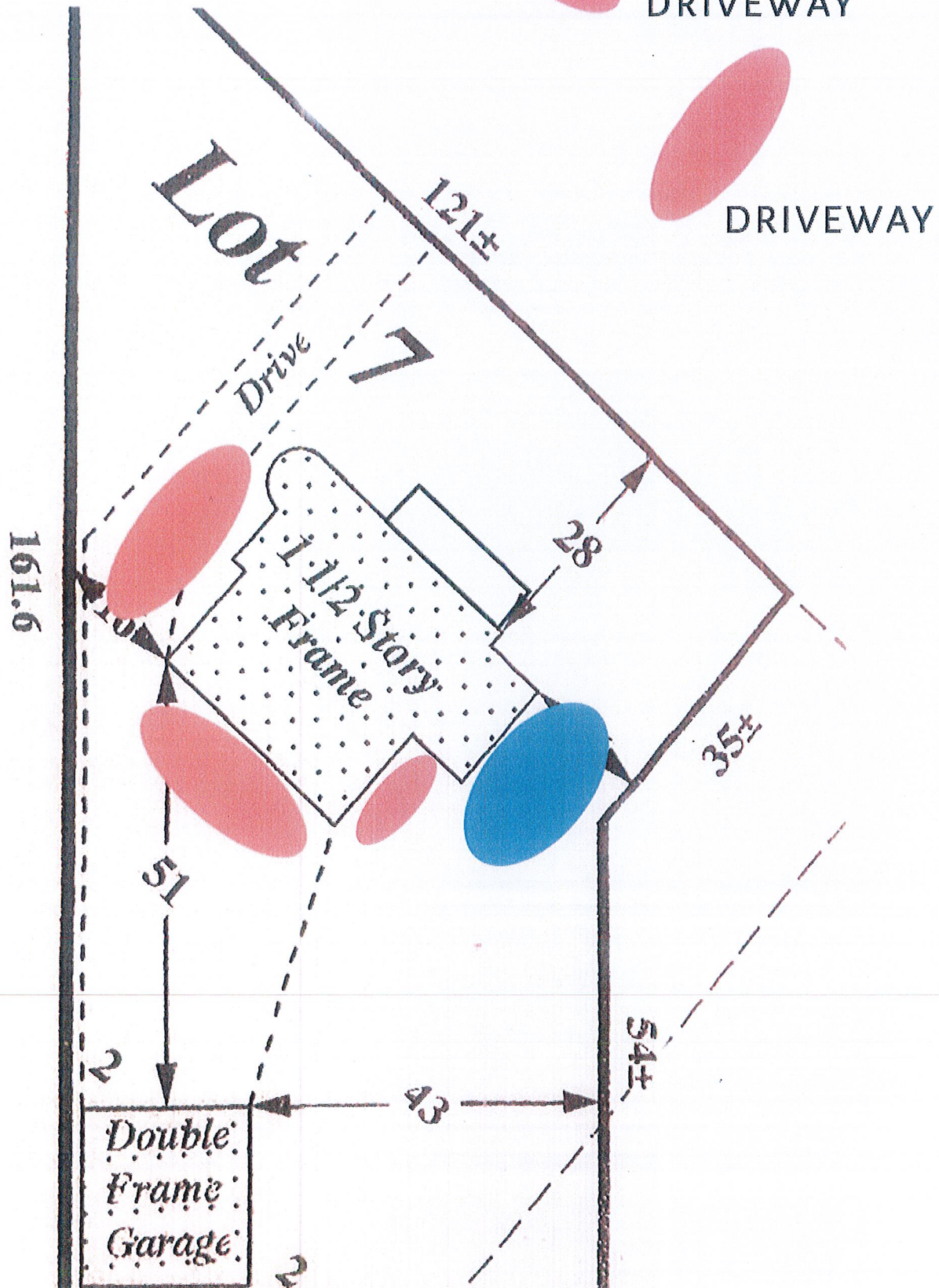
CONTAINS HVAC,
GAS, VENTING

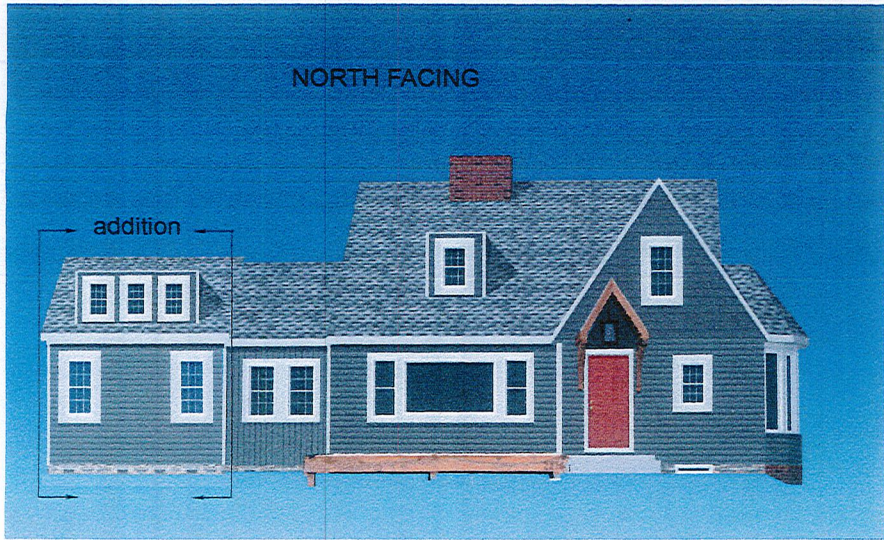
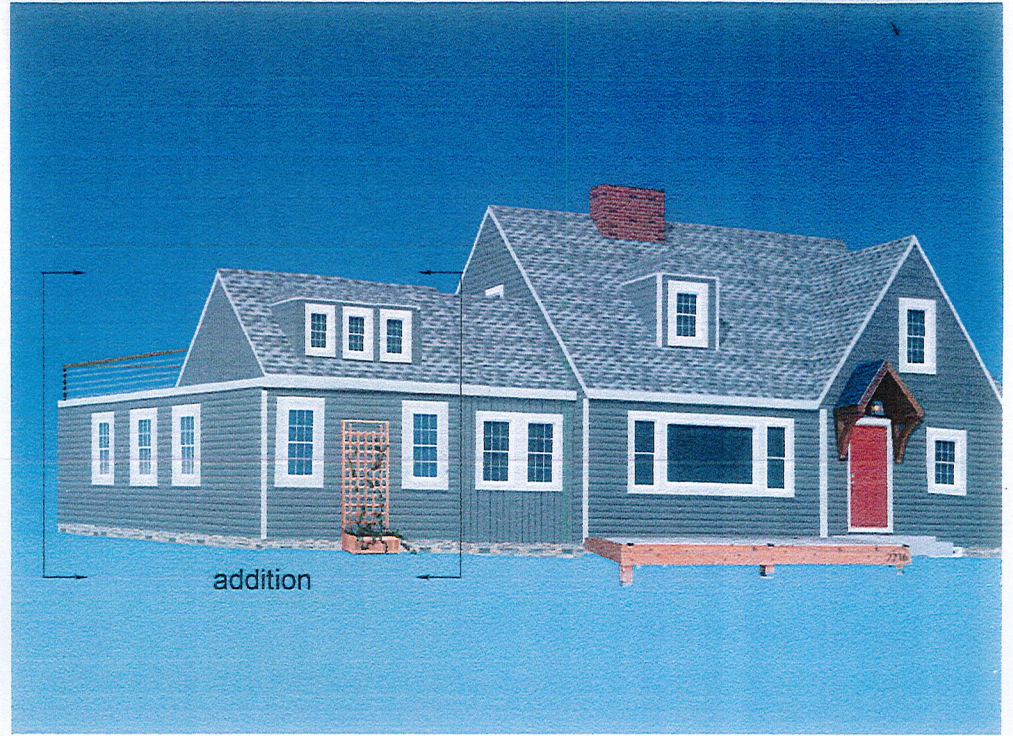


BEDROOMS,
DRIVEWAY

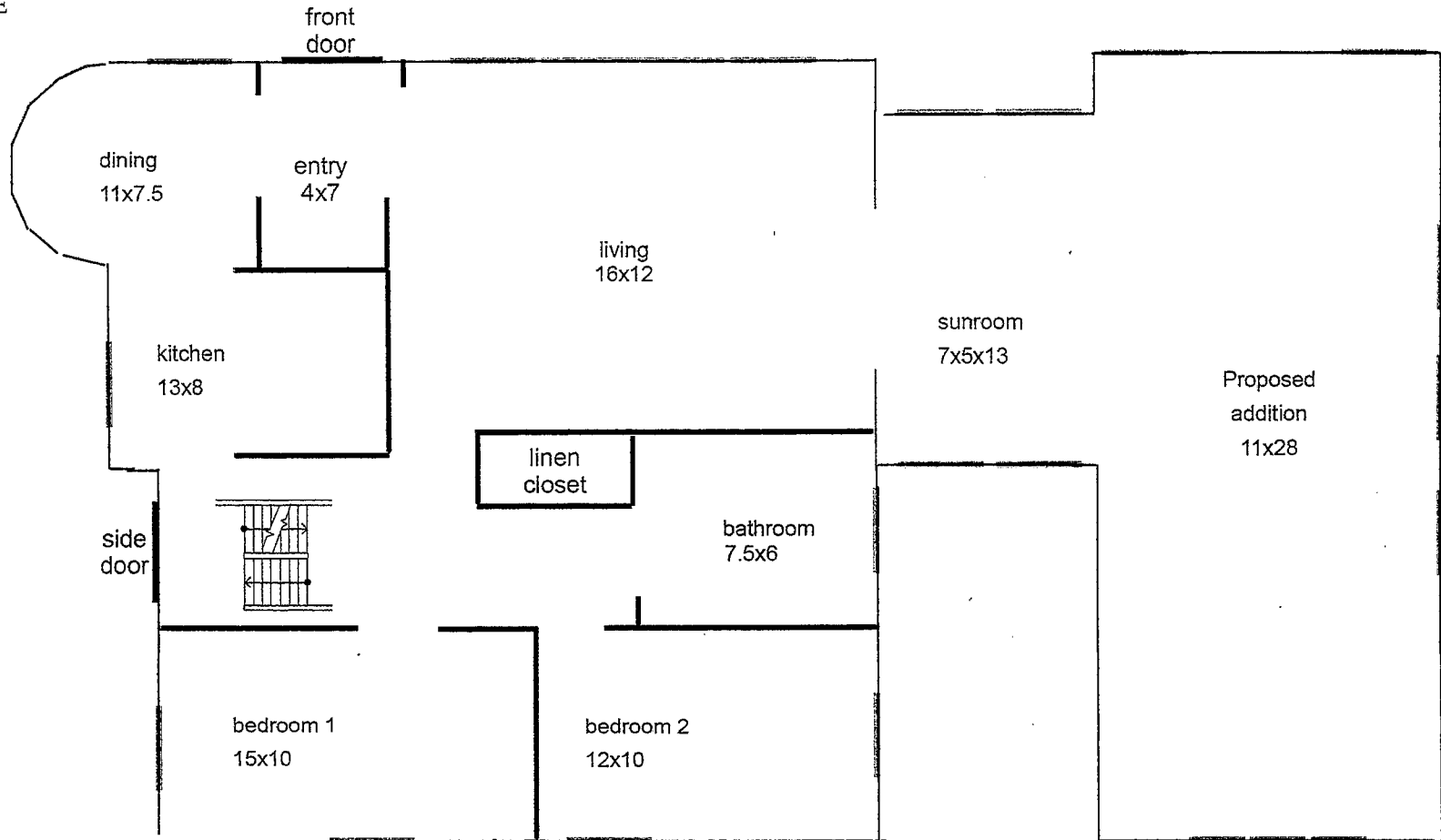
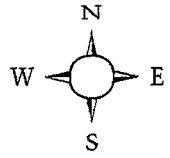


DRIVEWAY





SOUTH FACING



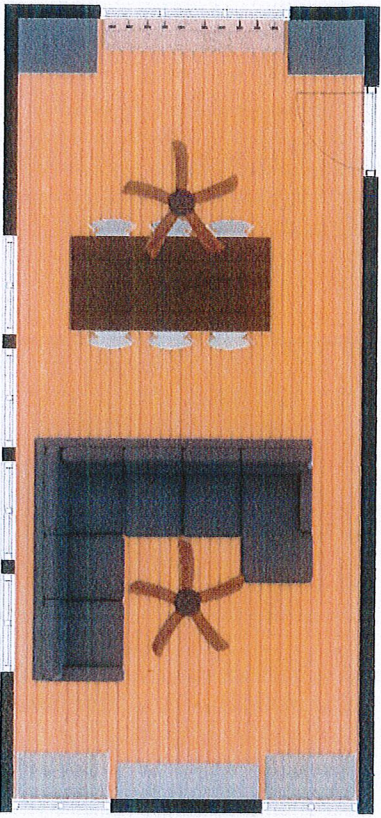
2D



28' 1/8"

13' 6 1/8"

12' 6 3/8"



12' 6 3/8"

12' 11 1/4"

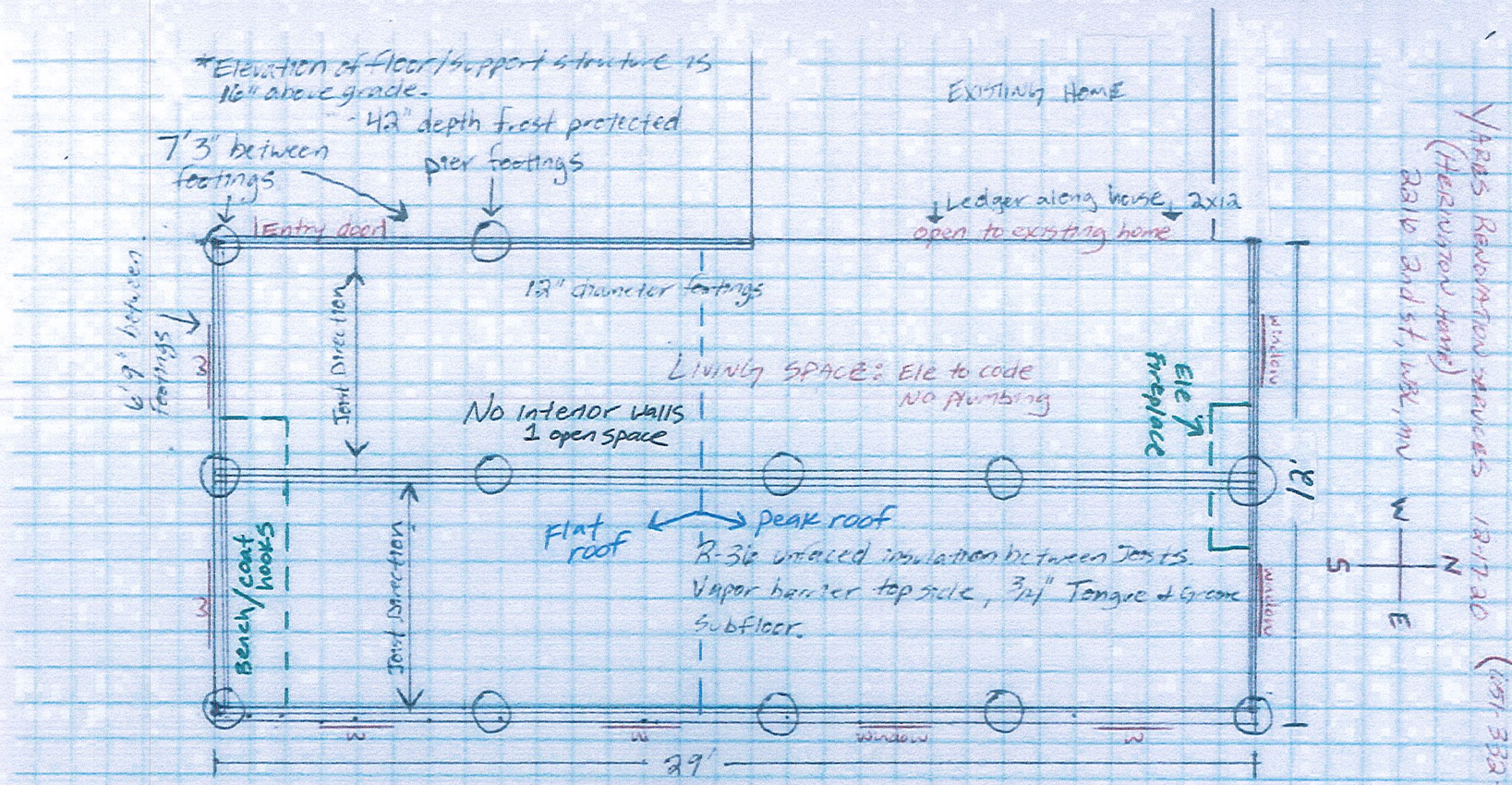
15' 7/8"

28' 11 7/8"

m ft



Set Backs: 4' to east property line + 15' to nearest structure (garage)
 28' to front
 40' to rear
 65' to west



- If existing deck footings are not 12" diameter and 42" deep, they will be replaced.
- Support structure is 2x12 treated lumber. Double Rim Joist & Center beam, single field joists spaced 16" O.C.
- 6x6 treated posts tied to footings with metal post base, posts tied to beams and rims with rafter ties for uplift.
- Electric baseboard heat, or split system.

- Wall construction 2x6 - Roof construction 2x12. Walls & Ceilings closed cell spray foam.
- 5/12 pitch flat roof, pitched east. 60 mil. EPDM Rubber roof.
- Windows: Anderson 400 Double hung, wood interior, clad ext.
- 9 ft. interior ceiling height. Elevation to top of roof from grade: 12 ft. - 13 ft.
- 1/2" OSB plywood sheathing with house wrap and James hardie siding, to match existing.

YARDS RENOVATION SERVICES 1817 AD (187-332-1192 Tony Jones)
 (Herndon home)
 3010 2nd St, WBL, MV W N E S

- 2nd St. -

REAR YARD COVER WORKSHEET

The rear yard is calculated as the area between the back building wall of the house and the rear property line. If there is a jog in the back building wall of the home, use the more predominant of the two walls (i.e. the longer one). "Cover" includes accessory uses and structures. Examples of an accessory use would be a patio or driveway. An accessory structure is garage, shed, deck or other built feature. (Items such as sidewalks, garden beds, fire pits, retaining walls and swing sets are not included.)

For properties less than 10,000 square feet in size, no combination of accessory buildings or uses per single or two-family home shall cover more than 35% of the available rear yard, or no more than 42% with administrative variance.

For properties 10,000 square feet in size or greater, no combination of accessory buildings or uses per single or two-family home shall cover more than 25% of the available rear yard, or no more than 33% with administrative variance.

Property Owner: Dave and Steph Herington

Site Address: 2216 2nd Street

| |
|--------------------------|
| Lot Width (feet): 74 avg |
|--------------------------|

| |
|---------------------------|
| Lot Depth (feet): 133 avg |
|---------------------------|

Information on lot size can be found in your property records or on the Ramsey County GIS website: www.ramseycounty.us/residents/property/maps-surveys/interactive-map-gis

| Please use sq. ft. | Existing | Proposed | Change |
|-----------------------------------|----------|----------|--------|
| Garage | 440 | 440 | 0 |
| Accessory Structures ¹ | 0 | 0 | 0 |
| Driveway | 886 | 686 | -200 |
| Decks | 0 | 0 | 0 |
| Patio Areas | 385 | 197 | -188 |
| Other: | 0 | 0 | 0 |
| Coverage Total | 1711 | 1323 | -388 |
| Rear Yard Area ² | 3080 | 2892 | -188 |
| Percent Covered ³ | 55.5% | 44.7% | -10.8% |

¹ Gazebo, sheds, etc.

² Yard width times depth

³ Coverage Total divided by rear yard cover

Calculated by: Dave Herington

Date: 01/02/2021

Staff Approval by: _____

Date: _____

IMPERVIOUS SURFACE CALCULATION WORKSHEET

An impervious surface is defined as an artificial or natural surface through which water, air or roots cannot penetrate. Landscape and decorative rock is not considered an impervious surface. Stepping stones are impervious. A deck is not an impervious surface, provided there is no concrete, plastic or other impervious material underneath the deck. All permanent pools are impervious.

*Any increase in impervious area over 30% must be mitigated by removal elsewhere or by installing a stormwater infiltration feature - see Stormwater Infiltration System Submittal Requirements handout.

Property Owner: Dave and Stephanie Herington

Site Address: 2216 2nd Street, White Bear Lake

| |
|--------------------------|
| Lot Width (feet): 74 avg |
|--------------------------|

| |
|---------------------------|
| Lot Depth (feet): 133 avg |
|---------------------------|

Information on lot size can be found in your property records or on the Ramsey County GIS website: www.ramseycounty.us/residents/property/maps-surveys/interactive-map-gis

| Please use sq. ft. | Existing | Proposed | Change |
|-----------------------------------|----------|----------|--------|
| Home | 1100 | 1462 | 362 |
| Garage | 440 | 440 | |
| Accessory Structures ¹ | 0 | 0 | |
| Driveway | 2174 | 1974 | -200 |
| Sidewalks | 80 | 80 | |
| Patio Areas | 188 | 24 | -164 |
| Other: | 0 | 0 | |
| Total Impervious | 3982 | 3980 | -2 |
| Total Lot Area | 9583 | 9583 | |
| Percent Impervious ² | 41.5% | 41.5% | 0 |

¹ Gazebos, sheds, etc.

² Total Impervious divided by Total Lot Area

If any porous paving credit have been grated for any of the above listed items, please explain:

Calculated by: Dave and Stephanie Herington

Date: 01/02/2021

Staff Approval by:

Date:



Merideth & Jim Chelberg <merijim@q.com>

To: Stephanie & Dave Herington



Thu, Dec 24, 2020 at 1:09 PM



To: The City of White Bear Lake

From: Jim and Merideth Chelberg
2224 2nd Street
White Bear Lake, MN 55110

Phone: 651-653-8729

Our neighbors on 2nd Street, Stephanie and Dave Herington, hope to build a one-story addition to the sunroom of their home that would include a flat rooftop deck. Although the structure would be less than 15 feet from the property line, we have no objection to their building this structure, and we hope the City will make an exception to the 15 foot requirement.

Ashton Miller

From: susan oven <susan.oven@gmail.com>
Sent: Monday, February 15, 2021 10:52 AM
To: Ashton Miller
Subject: 2216 2nd St. variance request

Gentlemen:

Regarding the variance request for 2216 Second St, White Bear Lake, MN, I would like to comment that since many of the lots in "old" White Bear, particularly those close to the lake, are not the standard rectangular shape that we think of as today's lots, variances seem to be an appropriate way to allow for making older housing useable for today's housing needs. The city "block" where this house is located is in fact a triangle, necessitating unusual lot shapes.

I would also comment that the exterior remodeling done so far by the Heringtons has been done in harmony with the neighborhood. This addition seems to maintain this harmony, with the resulting house size similar to others in the neighborhood, where a mix of styles and sizes exists.

In general, I support housing improvements that keep our neighborhood a desirable place to live. In a location where the lot shapes are unusual, this indicates that we should remain flexible regarding setbacks.

Thank you,
Susan Oven
4681 Lake Av. N,
White Bear Lake, MN 55110

651-426-3194



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

MEMORANDUM

TO: The Planning Commission

FROM: Samantha Crosby, Planning & Zoning Coordinator

DATE: February 17, 2019 for the February 22, 2019 Planning Commission Meeting

SUBJECT: Heartland Twin Cities Gun Club and Range, 4350 Centerville Road
Case No. 21-2-CUP & 21-4-V

REQUEST

Heartland TC Gun Club and Range, on behalf of the property owner, Brian Kroonblawd, is proposing to expand the building at 4350 Centerville Road in order to establish a new gun club and shooting range. As a part of this permitted “indoor commercial recreation facility” they are requesting a conditional use permit for 2,200 square feet of enclosed retail sales in the BW zoning district in order to sell sporting goods, including firearms. They are also requesting a 10 foot variance from the 15 foot hard surface setback required from a street right-of-way, in order to locate the parking lot 5 feet from the east property line.

SITE CHARACTERISTICS

The 2.2 acre flag lot is located on the east side of Centerville Road approximately 500 feet north of Birch Lake Boulevard South. The site contains a 4,000 square foot building with 16 parking stalls and drive lanes for car stacking. It appears to currently sheet drain to the pond directly to the south of the site. The City has a joint powers agreement with the City of Vadnais Heights; they provide sewer and water services to this property.

ZONING

The property is currently zoned B-W – Business Warehouse. “Commercial recreation facilities (indoor only) limited to firearms and archery ranges, fitness center, golf course, gymnastics center, jump center...” is a permitted use in the B-W zoning district. The properties to the north, west and south are also zoned B-W. The property is bounded by I-35E to the east. The retail sales component of the proposed use requires a conditional use permit.

BACKGROUND

The land was platted in 1991 and it appears the existing building was constructed the same year. In 1990, the City approved a CUP to allow an automobile emissions testing facility, which ended in 1999. It has been operating as B&B Company – Industrial Coatings, for many years now. In 2011 the City approved a CUP for a freestanding pylon sign near the freeway. That sign will be

removed with this project and a new pylon sign will be proposed. When the Sign Code was updated in 2017, it was revised to allow pylon signs in this district without a CUP; so long as they meet the requirements of the code a CUP is not required for the sign.

ANALYSIS

Conditional Use Permit: A Conditional Use Permit for enclosed retail sales in the BW zoning district.

The code lists a few requirements for a retail use:

1. The retail must be an allowed use in the B-1 or B-2 district;
“sporting goods establishment and bait shops” is a permitted use in the B-2 zoning district. The applicant has indicated the “Retail Pro Shop” will include a variety of hunting shotguns and rifles along with other types of firearms. It will also stock accessories designed to provide for a safe and comfortable shooting experience, including ammunition, hearing protection and safety glasses. Apparel and other goods related to shooting and other outdoor sports will also be offered. Based on this description, the proposed use complies.
2. It may not constitute more than 30% of the total lot area and not more than 50% of the gross floor area of the principal use;
The extent of the retail area is not dimensioned on the floor plan, but the area is cited by the architect as being 2,200 square feet in size. The exact lot size is 2.215 acres. Therefore, the retail space is roughly 2.3% of the total lot area. The shooting range is considered the principal use of the building, which has a gross square footage of 6,912 (108 feet long by 64 feet wide). At that size, the retail space is 31.8% of the principal use. Based on these numbers, the proposal complies.
3. It must provide adequate off-street parking and off-street loading in compliance with 1302.050 and 1302.060;
Parking: According to the numbers provided by the architect, the site requires 51 parking stalls: 11 for the retail, 20 for the office areas, 3 for the storage and 17 for the range. Staff calculated 20 for the range bringing the total up to 54, but with 65 spaces provided the proposal appears to comply. However, the internal parking lot landscaping required by code has not yet been provided. At the rate of 144 square feet of landscaping for every 10 stalls, approximately 936 square feet of landscape islands or peninsulas are required. Staff estimates this will consume about 6 parking stalls, leaving 59 spaces, which, according to the information provided thus far, would still comply.

Loading: The code requires one loading berth per building and one additional (smaller) berth for each 10,000 square feet in floor size over the first 10,000. The plan does not call out the loading areas, but staff has measured and there is plenty of drive aisle along both the east and south sides of the building to accommodate the receipt of merchandise from delivery vehicles.

4. All sign and information or visual communication devices shall be in compliance with the Sign Code.

Staff does not yet have enough information to speak comprehensively, but a separate sign permit is required for all signage on the property and the sign permit will not be issued if the request does not comply with the sign code.

A CUP also allows the city to impose any additional conditions it deems appropriate to protect the health, safety and welfare of the community. The company, which has been in business for 5 years now, provided their standard operating procedures and safety plans. The anticipated hours of operation are from 9:00 am to 9:00 pm. The property is well lit and landscaping appropriately located. Staff has no further recommendations for conditions of approval.

Variance: A 10-foot variance from the 15 foot setback required from a street right-of-way, in order to locate the parking lot 5 feet from the east property line.

The code requires perimeter landscaping around a parking lot. The larger setback along a street frontage is to both buffer the public right-of-way and to provide ample space for landscaping. In this case, there is a significant change in grade between the subject site and the I-35E roadway surface, with the subject site being higher. Therefore, the additional setback and landscaping/screening is not needed since the parking lot is already screened from the roadway by the topography.

There is a 20-foot wide drainage and utility easement that runs north-south along the east property line. The engineering department has indicated they do not foresee a need for the easement and are therefore okay with the variance. Staff has included a condition protecting the potential future use of the easement area.

The original intent of the variance process is to “alleviate practical difficulties caused by public actions, unusual topography, unusual lot shapes, wetland or other exceptional physical conditions”. In this case, the pond to the south, which is believed to be a regional pond serving the more than just this site, encroaches on the subject site, hindering the shape of the parking lot in the southwest corner. The requested variance provides a little extra space to alleviate that burden.

DISCRETION

The City's discretion in approving or denying a conditional use permit is limited to whether or not the changes meet the standards outlined in the Zoning Ordinance. If it meets these standards, the City typically must approve the Conditional Use Permit. Additional conditions may be imposed as the Council deems fit.

The City has a high level of discretion when approving or denying a variance because the burden of proof is on the applicant to show that they meet the standards of the ordinance. If the proposal is deemed reasonable (meaning that it does not have an adverse effect on neighboring properties, it is consistent with the comprehensive plan, and it is harmony with the intent of the zoning code) then the criteria have been met.

SUMMARY

During the review staff found a few ways in which the proposed site design does not meet code. Those discrepancies will need to be corrected prior to the issuance of a building permit. The use of the site as a range and the site layout are not the question. The matter at hand is the proposal of an enclosed retail sales area as an accessory use and the setback variance. At 2,200 square feet in size, the retail area meets all the requirements listed by code and therefore staff recommends approval. Given the unique physical characteristics of the site, including a regional pond and steep topography, staff further recommends approval of the requested variance.

RECOMMENDATION

Staff recommends approval of both the conditional use permit and variance, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit, unless revised to comply with conditions listed below.
2. Per Section 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
4. This Conditional Use Permit shall become effective upon the applicant tendering proof (ie: a receipt) to the City of having filed a certified copy of the signed resolution of approval with the County Recorder pursuant to Minnesota State, Statute 462.3595 to ensure the compliance of the herein-stated conditions.
5. The size of the retail area shall not exceed 2,200 square feet.
6. The hours of operation for retail sales shall be limited to 9 a.m. to 9 p.m.
7. The location of the parking lot within the existing drainage and utility easement is with the City's permission and is at the applicant's own risk. In the event the City, in its sole discretion, requires use of or access to the easement for any reason, the City may utilize any part of the easement for the purposes for which it was established. The City may require the applicant to, at its own cost, remove all or part of its improvements located within the easement area as needed to facilitate the use of the easement. Thereafter, the applicant must not interfere with the City's use of the easement.
8. The applicant shall obtain a building permit prior to beginning any work.
9. Prior to the issuance of a building permit, all plans shall be revised to comply with all

applicable building and zoning code requirements. Any deviations from code reflected in the plan set submitted to the City are not approved, except for the hard-surface setback from the east property line, and must be revised as needed to comply and resubmitted before construction may begin.

10. The uses within the building shall not be changed without approval from the City. The Zoning Administrator will determine if a proposed change in use can be approved administratively or if it requires Council approval.
11. The applicant shall obtain sign permits prior to the installation of any signage. The size and amount of signage is limited to what is permitted by the City's Sign Code.
12. Extend a letter of credit consisting of 125% of the exterior improvements, which renews automatically every six months. The amount of the letter shall be based on a cost estimate of the exterior improvements, to be approved by the City prior to the issuance of the letter of credit.
13. Provide a SAC (Sewer Availability Charge) determination letter from the Metropolitan Council.
14. Obtain permits as necessary from relevant agencies (such as MnDOT, Ramsey County, Vadnais Heights) and provide a copy of each to the City.
15. Enter into a Stormwater Operation and Maintenance Agreement for the new on-site stormwater features.

Prior to the release of the letter of credit, the applicant shall:

16. Provide an as-built plan that complies with the City's Record Drawing Requirements.
17. All exterior improvements must be installed.
18. All landscaping must have survived at least one full growing season.
19. The applicant shall provide proof of having recorded the Resolution of Approval and the Stormwater Operation and Maintenance Agreement with the County Recorder's Office.

ATTACHMENTS

1. Draft Resolution of Approval
2. Location/Zoning Map
3. Applicant's Narrative, Civil Plans & Architectural Plans

RESOLUTION NO. _____

**RESOLUTION GRANTING A
CONDITIONAL USE PERMIT AND VARIANCE
FOR 4350 CENTERVILLE ROAD
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-2-CUP & 21-4-V) has been submitted by Heartland Twin Cities Gun Club and Range, on behalf of Brian Kroonblawd, to the City Council requesting approval of a conditional use permit and a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4350 Centerville Road

LEGAL DESCRIPTION: Lot 3, Block 1, New Bedford Addition (PID # 213022130027);

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A Conditional Use Permit for 2,200 square feet of enclosed retail sales in the BW zoning district, per Code Section 1303.180, Subd.4.c, in order to sell sporting goods out of the proposed indoor commercial recreation facility, and a 10 foot variance from the 15 foot hard surface setback required from a street right-of-way, per Code Section 1302.050, Subd.4.h.17.c, in order to locate parking 5 feet from the east property line,

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on February 22, 2021; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variance will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. Because of the topographic changes in grade just beyond the east property line, the variance is a reasonable use of the land or building.
3. The variance will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

4. Because the regional pond encroaches upon the subject site, the variance is the minimum necessary to alleviate the resulting practical difficulties, and the special conditions or circumstances are not the result of actions of the applicant or previous owners.
5. The non-conforming uses of neighboring lands, structures, and buildings in the same district are not the sole grounds for issuance of the variance.

FURTHER, BE IT RESOLVED, by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. Traffic generation will be within the capabilities of the streets serving the site.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested conditional use permit and 10 foot setback variance, subject to on-going compliance with all of the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit, unless revised to comply with conditions listed below.
2. Per Section 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
4. This Conditional Use Permit shall become effective upon the applicant tendering proof (ie: a receipt) to the City of having filed a certified copy of the signed resolution of approval with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
5. The size of the retail area shall not exceed 2,200 square feet.

6. The hours of operation for retail sales shall be limited to 9 a.m. to 9 p.m.
7. The location of the parking lot within the existing drainage and utility easement is with the City's permission and is at the applicant's own risk. In the event the City, in its sole discretion, requires use of or access to the easement for any reason, the City may utilize any part of the easement for the purposes for which it was established. The City may require the applicant to, at its own cost, remove all or part of its improvements located within the easement area as needed to facilitate the use of the easement. Thereafter, the applicant must not interfere with the City's use of the easement.
8. The applicant shall obtain a building permit prior to beginning any work.
9. Prior to the issuance of a building permit, all plans shall be revised to comply with all applicable building and zoning code requirements. Any deviations from code reflected in the plan set submitted to the City are not approved, except for the hard-surface setback from the east property line, and must be revised as needed to comply and resubmitted before construction may begin.
10. The uses within the building shall not be changed without approval from the City. The Zoning Administrator will determine if a proposed change in use can be approved administratively or if it requires Council approval.
11. The applicant shall obtain sign permits prior to the installation of any signage. The size and amount of signage is limited to what is permitted by the City's Sign Code.
12. Extend a letter of credit consisting of 125% of the exterior improvements, which renews automatically every six months. The amount of the letter shall be based on a cost estimate of the exterior improvements, to be approved by the City prior to the issuance of the letter of credit.
13. Provide a SAC (Sewer Availability Charge) determination letter from the Metropolitan Council.
14. Obtain permits as necessary from relevant agencies (such as MnDOT, Ramsey County, Vadnais Heights) and provide a copy of each to the City.
15. Enter into a Stormwater Operation and Maintenance Agreement for the new on-site stormwater features.

Prior to the release of the letter of credit, the applicant shall:

16. Provide an as-built plan that complies with the City's Record Drawing Requirements.

- 17. All exterior improvements must be installed.
- 18. All landscaping must have survived at least one full growing season.
- 19. The applicant shall provide proof of having recorded the Resolution of Approval and the Stormwater Operation and Maintenance Agreement with the County Recorder’s Office.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

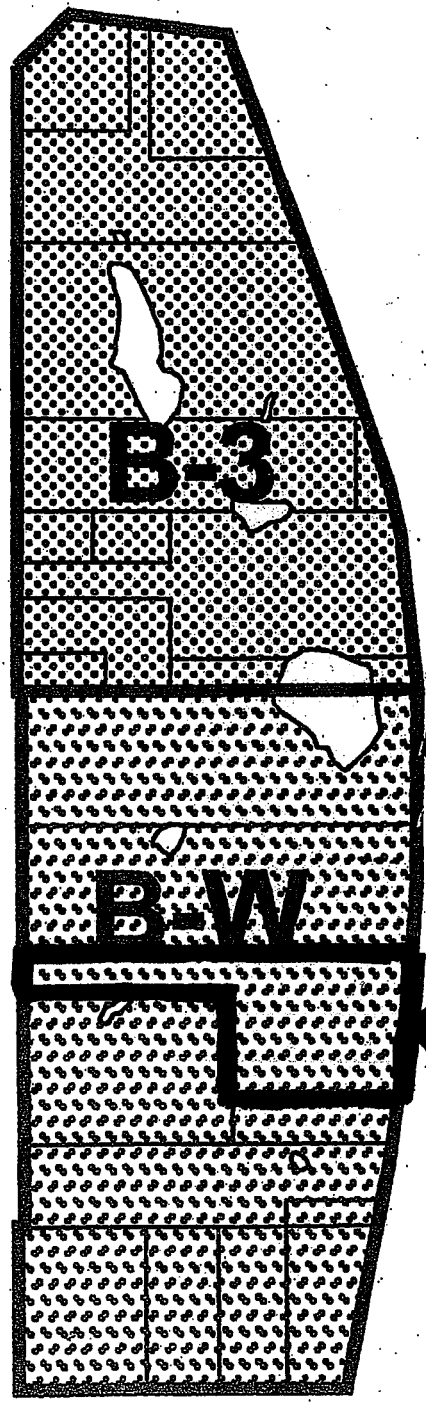
Approval is contingent upon execution and return of this document to the City Planning Office. I have read and agree to the conditions of this resolution as outlined above.

Property Owner / Applicant Date

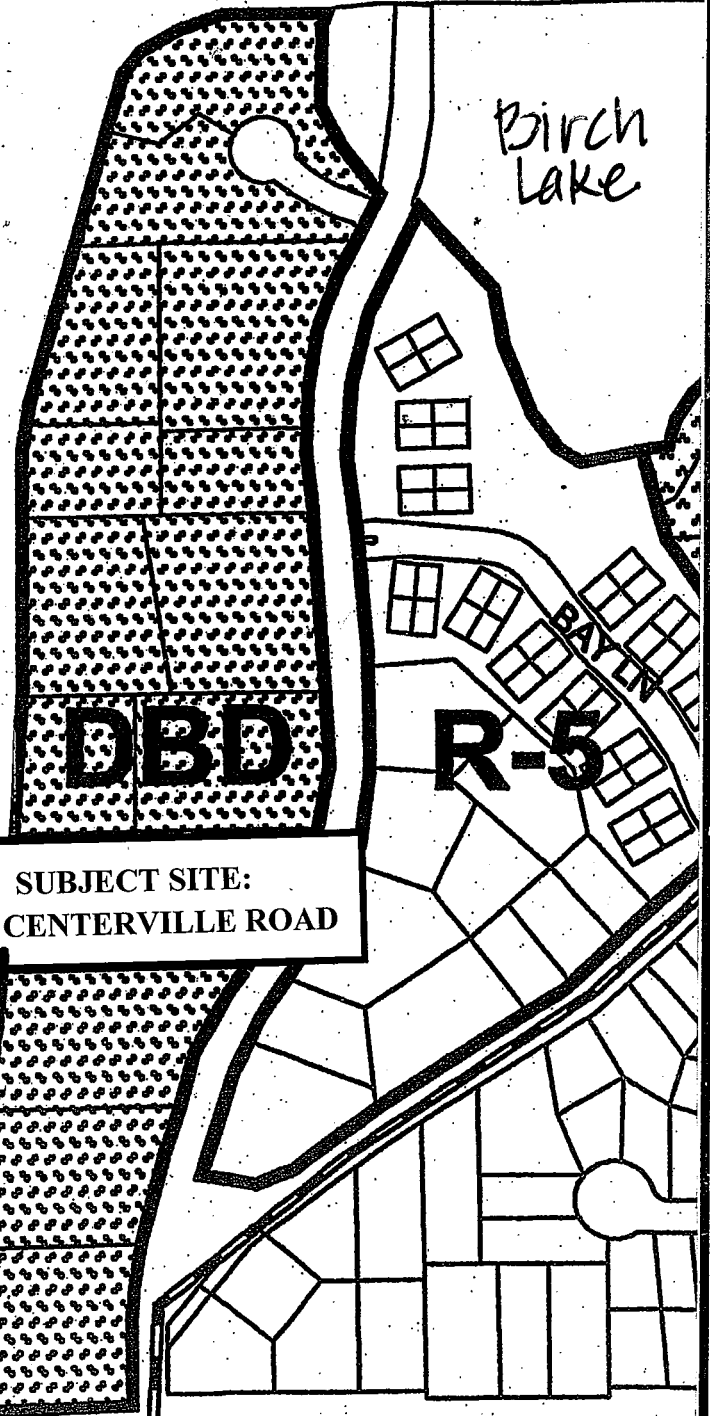


HWY 96

Centerville Road



I-35E



SUBJECT SITE:
4350 CENTERVILLE ROAD

Madnais Heights

LOCATION MAP

January 11th, 2021

Samantha Crosby, Planning and Zoning Coordinator,
Planning Commission, City Council
City of White Bear Lake
4701 Highway 61
White Bear Lake, MN 55110

Dear Samantha,

My name is Brian Kroonblawd and I wanted to enclose this letter to you to discuss my Land Use Application for Firearms Range and Associated Retail Sales Operation. I have attached to my letter a memo from a land and zoning consultant Stantec and a legal memorandum from the Taft law firm. I have been in the White Bear Lake Community for over thirty years and in the past I had gotten some help from Anne Kane on some new signage that we were working on but other than that I have not had any contact with the City and have tried to be a good neighbor and have enjoyed living in and starting and growing our business in White Bear Lake. Our first building that my company was in was on South Birch Lake Blvd and it was the Frogener Dry Wall Company's building that I rented out. Our home was also on South Birch Lake Blvd but farther to the southwest. After a few years I purchased the property at 4350 Centerville Road after the State of Minnesota closed that emission testing facility. We have been at our current location for over twenty years and our business has done well and our current location gives us great access to both the local amenities and easy access to the freeways.

A few years ago when I was in my later 50's I started thinking of what might be the next chapter in my life – my business is more of a young person's business than someone my age so I started looking around a bit and talking to people about selling my 4350 Centerville property to my neighbor for their expansion or selling the building to another commercial user and then I had the good fortune to meet up with a group that has been involved in the development of two very nice indoor shooting ranges. I have been interested in the shooting sports for a long time and it just so happened that an indoor gun range was a permitted use under the City's zoning code that my building is in.

The proposed redevelopment of my property and expansion of the existing building would include an indoor shooting range and a retail sporting goods store. As part of the development process were some meetings with Samantha Crosby, Anne Kane and the City Attorney Troy Gilchrist – everyone was very helpful but we had a sticking point and that was related to selling of sporting goods in a dedicated retail space and I was told that we would be unable to sell retail goods without getting a conditional use permit with the City.

What I was being told did not make a lot of sense to me – I thought that as a indoor range a company would have to be able to sell sporting goods at retail to survive. I thought that an analogy to this would be someone that has a golf course and a driving range but could not sell golf clubs or balls etc. to their customers. A golf course that could not sell these items would be at a great disadvantage to their competitors (the other golf courses in their area). So, in my mind it didn't make any sense to me on how we could compete with the other indoor gun ranges in the area that all have a retail area for firearms, ammunition and other sporting goods.

As a result of this interpretation by the City and City Attorney I have engaged consultants and attorneys to help me wind my way through this CUP process with the City. It has taken a much longer time and has cost a lot of money for me to get just to this point to be ready to submit our request to the City of White Bear Lake.

Our plans and colored elevations for the new building show a very nicely designed building that will provide a great venue for friends and families to gather to enjoy the shooting sports. I have started and grown my business in White Bear Lake and I have always paid my taxes and tried to be a good neighbor and I want to continue to do these things. My project at 4350 Centerville Road will be a first class designed and built facility and I will be proud to be a part of it and spend my last chapter of my business career as an owner of a shooting sports facility. Our facility will add numerous jobs to the local economy and will be paying our employees a living wage and offer health insurance and retirement plan benefits.

What follows this memo is a lot of legal and consultant memorandums etc. but since I paid for it all I thought that I should send it in as part of my submission. I am looking forward to working with my team and the City Planner, Planning Commission and City Council to make this a successful project that we can all be proud of and bring another amenity to the residents of the City of White Bear Lake and the surrounding communities.

Sincerely,

Brian Kroonblawd



LAND USE AND VARIANCE APPLICATION

City of White Bear Lake

4701 Highway 61, White Bear Lake, MN 55110

(651) 429-8561/FAX: (651) 429-8503

Please complete the entire form to ensure proper application and publication. (See opposite side for further information.) Also, please set an appointment with a Planner to submit.

Owner / Applicant: BRIAN KROONBLAND

Site Address: 4350 CENTERVILLE ROAD, WHITE BEAR LAKE, MN 55127

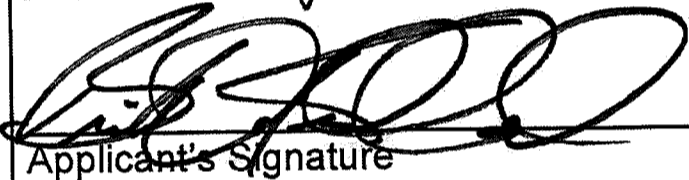
Daytime Phone Number(s): BRIAN 651-216-1700

Email / Fax Number: BRIAN.K@TCI.COMMUNES.COM

Mailing Address: 4350 CENTERVILLE RD. WHITE BEAR LAKE, MN 55127

Legal Description: LOT 3 BLOCK 1 NEW BEDFORD ADDITION

DESCRIPTION OF REQUEST: APPLICANT SEEKS APPROVAL OF THE RETAIL SALES OPERATION WITHIN A PORTION OF THE PROPERTY AS A "CONDITIONALLY PERMITTED USE" UNDER 130B.80 SUB 4C.


Applicant's Signature

1/8/21
Date of Application

Property Owner's Signature (Required if different than applicant.)

Property Owner's Printed Name and Title

NATURE OF REQUEST:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Conditional Use Permit (\$400) | <input type="checkbox"/> Comprehensive Plan Amendment (\$500) |
| <input type="checkbox"/> Conditional Use Permit Amendment (\$200) | <input type="checkbox"/> Preliminary Plat (\$500) |
| <input type="checkbox"/> Variance (\$250 for residential, \$500 for other) | <input type="checkbox"/> Final Plat (\$100) |
| <input type="checkbox"/> Time Extension for CUP or Variance (\$50) | <input type="checkbox"/> Vacation (\$250) |
| <input type="checkbox"/> Lot Split (\$250) | <input checked="" type="checkbox"/> Address List (\$30)* |
| <input type="checkbox"/> Rezoning & Text Amendment (\$750) | <input type="checkbox"/> Permitted Home Occupation (\$50) |
| <input type="checkbox"/> Planned Unit Development (\$750) | <input type="checkbox"/> Special Home Occ. (with CUP) (\$100) |
| <input checked="" type="checkbox"/> Grading Plan (\$250) (\geq 1/2 ac. in size) | |
| <input type="checkbox"/> Grading Plan Amendment (\$75) ($<$ 1/2 ac. in size) | |

* Not required for lot splits

FOR OFFICE USE ONLY

Case No(s) _____ Zoning _____
 Fee \$ _____ Receipt No. _____

APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE FOLLOWING:

Submit with all requests ~~three~~ ⁵ copies for residential projects, five copies for commercial projects of the following:

- A written narrative describing the request and why the City should approve the request.

For a variance, please cite the specific numeric deviation being requested and list the conditions unique to the subject property that prevents compliance with the zoning code. Variances from zoning standards may be granted in cases of practical difficulty, which means that the property in question cannot be put to a reasonable use under the conditions allowed by the Zoning Code due to circumstances unique to the property and not created by the landowner. Economic considerations alone shall not constitute a practical difficulty. Please address the standards listed in Zoning Code Section 1301.060, Subd.1.b, as they relate to your request.

For a conditional use permit, please describe how the use will function, i.e.: hours of operation, deliveries etc. Also please address how or why the standards listed in Zoning Code Section 1301.050, Subd.2.e, have been met.

- A site plan of proposed request, drawn to scale (1" = 20') or as approved by city planner, showing the following:

- a. Arrow indicating north.
- b. Location of structure(s) and parking on lot.
- c. Adjacent street names.
- d. Setbacks and use of proposed structure(s) and parking.
- e. Setbacks and use of adjacent structures.
- f. Dimensions of proposed structure.
- g. Distance between any proposed structure and structures on adjacent lots.
- h. Impervious area calculations, if located within the Shoreland Overlay district.
- i. Other information as required in the Zoning Code, including an existing conditions plan.

- Proposed building elevations and floor plans, to scale, colored elevation renderings and building material samples if a commercial project.

- Demo, landscaping, lighting, utility, and grading and drainage plans for most new development (check with city planner for specific requirements).

- An Adobe PDF file of all project plans. This may be submitted by e-mail.

- If a lot split, please provide a Certificate of Survey – see "Survey Requirements" document.

- If a commercial project or infill residential development, please provide a written response to "Nine Design Principles" document.

- Twenty-two photocopies of above described plans, reduced to 11" x 17". Please coordinate with the planner about the timing of this part of the submittal.

NOTES:

1. If the applicant is different than the owner, permission from the owner to apply is necessary in the form of a written letter.
2. The applicant shall pay for additional mailings and publications costs when the applicant requests a tabling or continuation of his/her case.
3. You are encouraged to discuss your proposal with adjacent property owners before you submit a formal application.

Response to 9 Design Principles

1. **Regionalism:** how does the architecture fit with the community in respect to climate, local materials, and history? *The scale and form of Heartland reflects the traditional agrarian buildings found throughout Minnesota, and in the White Bear Lake area specifically. The stone and wood used on the project reflect the natural environment of Minnesota, and is similar to the material palette used in many traditional lodge buildings throughout the region.*
2. **Context:** how was the project designed to fit within the context of the site (such as topography, views, other natural features and characteristics of the surrounding properties)? Has a market study been conducted for this use at this site? *The project is designed to take advantage of the existing site conditions. The footprint of the new facility will occupy what is today a largely paved site. Views to the natural open space to the south will be preserved, and terraces to the north of the building will provide users an opportunity to connect to the landscape. The surrounding properties are largely industrial in nature, and the design of Heartland fits within this context but provides a more polished and pedestrian friendly scale and material palette.*
3. **Scale and Massing:** how does the scale of the building fit with the surrounding buildings and what massing strategies have been used to affect scale at a pedestrian level as well as the distant panoramic view? What techniques have been employed to mitigate any large, blank surface, such as a windowless façade or a large expanse of asphalt? Can daylight reach all parts of the building? *The overall massing of the building is broken down into discrete elements that correlate to the functions inside. At the entries to the building wood framed canopies add another layer of texture that helps to break down the scale of the project. These canopies help to lend a pedestrian scale to the project and highlight the primary entry points to the building.*
4. **Composition:** is the building proportionally correct? *The overall design of the building is made up of a number of well proportioned elements, such as gable forms, the wood and stone clad retail entry volume, and the repurposed existing building.*
5. **Hierarchy:** what is the visual emphasis of the building? *The building is designed to put the visual emphasis on the entry points and human centered elements of the facility. Natural materials, building forms, and wood framed canopies are the primary visual elements that stand out from the more neutral box that ties them together.*
6. **Color:** what is the color palette? Please provide a material sample board with color palette for review. *The color palette for the project is a mix of warm grey textured architectural precast panels, the existing brick stained to match or compliment the precast panels, natural wood and stone. Metal used on the project for mullions, parapet caps, and flashing will be a zinc colored kynar finish. We have included images of material samples on the sheet with our colored elevations.*
7. **Detail and Craftsmanship:**
8. **Transformation:**
9. **Simplicity:** what is the idea or concept behind this design? Are there any faux elements? If so, please explain their reason. *The building is designed to create a welcoming facility to house the Heartland that fits the context of the site. Heartland is given a strong identity through the use of the gabled form, visible from the adjacent freeway. There are no faux elements to the project.*



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Jason R. Asmus
612.977.8649
JAsmus@Taftlaw.com

January 11, 2021

VIA HAND DELIVERY

Samantha Crosby
Planning and Zoning Coordinator
City of White Bear Lake
4701 Highway 61
White Bear Lake, MN 55110

**Re: Land Use Application for Firearms Range and Associated Retail Sales
Operation**

Ms. Crosby:

Taft Stettinius & Hollister LLP is counsel to Land Use Applicant Brian Kroonblawd (“Applicant”) with respect to a planned project for an indoor firearms range with an associated retail sales operation (collectively, the “Project”) at the property located at 4350 Centerville Road, White Bear Lake, MN 55127, a one-story, approximately four thousand (4,000) square-foot building located in the City’s B-W District (the “Property”), as more fully described in the Land Use Application and related materials submitted contemporaneously herewith.

Per the Land Use Application, the indoor firearms range portion of the Project is a “permitted use” under Section 1303.180, subd. 2(o) of the White Bear Lake Zoning Code (“Zoning Code”). Applicant seeks approval of the retail sales operation within a portion of the Property as a “conditionally permitted use” under Section 1303.180, subd. 4(c) of the Zoning Code. For the reasons stated in this letter, as well as those stated in the written materials prepared and submitted by Applicant and its consultant, Stantec Consulting Services, Inc. (“Stantec”), Applicant is entitled to the requested land use approval.

I. APPLICANT’S INDOOR FIREARMS RANGE CONSITUTES A “PERMITTED USE”

Applicant’s proposed indoor firearms range is “permitted use” under Section 1303.180, subd. 2(o) of the Zoning Code. Attach. 1 (“The following are permitted uses in a ‘B-W’ District . . . Commercial recreation facilities (indoor only) limited to firearms and archery ranges. . .”). Indeed,

Samantha Crosby
January 11, 2021
Page 2

based on the parties' prior discussions, City Attorney Troy Gilchrist confirmed in an October 25, 2019 memorandum that "City Code § 1303.180, subd. 2(o) classifies indoor firearms ranges as 'commercial recreational facilities' and allows them as a permitted use in the B-W District." Attach. 2.

As a "permitted use," the requisite zoning approval for the indoor firearms range has been provided, the City lacks discretion to deny such zoning approval, and any attempted denial is arbitrary as a matter of law. Indeed, as set forth in the Handbook for Minnesota Cities, which is published by the League of Minnesota Cities, it is arbitrary for a city to deny a use that is expressly permitted by the city's code of ordinances:

Permitted uses are those that the zoning ordinance allows outright. It is generally arbitrary and unlawful to deny a permit for a permitted use unless the zoning of the property is subsequently changed to prohibit that use.

Attach. 3 at 16-17. This guidance for municipalities provided in the Handbook is consistent with long-standing Minnesota law. *See, e.g., Chase v. City of Minneapolis*, 401 N.W.2d 408, 412-13 (Minn. 1987) ("The commercial use appellants proposed . . . is permitted by the property's M1-2 zoning classification . . . Since this case involves denial of a permitted use application, the trial court erred in failing to limit its review to the stated reason for denial . . . The record show appellants' application complied with all zoning code requirements. Therefore, the trial court erred in finding Respondents did not act arbitrarily in denying the building permit"); *Chanhassen Estates Residents Ass'n v. City of Chanhassen*, 342 N.W.2d 335, 340 (Minn. 1984) ("Subject to such compliance, approval of a permitted use follows as a matter of right" because "when a city designates a specific use as permissible in a particular zone or district, the city has exercised its discretion and determined that the permitted use is consistent with the public health, safety and general welfare and consonant with the goals of its comprehensive plan"); *Olsen v. City of Minneapolis*, 263 Minn. 1, 11, 115 N.W.2d 734, 741 (1962) ("the city had no sound basis for circumventing the uses and classifications of property prescribed and authorized under the comprehensive zoning ordinance"); *PTL, LLC v. Chisago County Bd. of Comm'rs*, 656 N.W.2d 567, 573 (Minn. App. 2003) ("when local officials enact ordinances designating a specific use as permitted in a particular district, they determine by implication that the permitted use is consistent with land uses. . . . To allow the board to deny approval of the [application] that proposes a permitted use and complies with the regulations specified for that use would, in effect, allow the board to arbitrarily amend the zoning ordinance simply by denying applications for subdivision approval").

II. APPLICANT IS ENTITLED TO APPROVAL OF THE RETAIL SALES OPERATION AS A “CONDITIONALLY PERMITTED USE”

A. Applicant’s planned retail sales operation is a “sporting goods establishment” that is a “conditionally permitted use” in the B-W District

Section 1303.180, subd. 4(c) of the Zoning Code specifies the following “conditionally permitted uses” in the B-W District:

- c) Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:
 - 1) Such use is allowed as a permitted use in a “B-1” or “B-2” District.
 - 2) Such use does not constitute more than thirty (30) percent of the lot area and not more than fifty (50) percent of the gross floor area of the principal use.
 - 3) Adequate off-street parking and off-street loading in compliance with the requirements of Sections 1302.050 and 1302.060 of this Code is provided.
 - 4) All signing and informational or visual communication devices shall be in compliance with the White Bear Lake Sign Code.

Attach. 1. Under Zoning Code § 1303.130, subd. 2(ii), the list of “permitted uses” in the B-2 District includes “sporting goods establishment and bait shops.” Attach. 4. While “sporting goods establishment” is not defined in the Zoning Code, City Attorney Gilchrist’s October 25, 2019 memorandum confirmed that, based on information provided to City during the parties’ prior discussions, “City Staff determines the Retail Sales use would qualify as a sporting goods establishment,” provided that the second, third and fourth requirements set forth in § 1303.180, subd. 4(c) are met. Attach. 2 at 4.

The law is clear that, because a conditionally-permitted use is necessarily consistent with public health, safety and welfare, a requested CUP must be approved where, as here, the CUP approval would cause no material adverse impact. Minnesota courts have determined that “when a city designates a specific use as permissible in a particular zone or district, the city has exercised its discretion and determined that the permitted use is consistent with the public health, safety, and general welfare and consonant with the goals of its comprehensive plan. Until the district is

rezoned or the zoning ordinance is either amended or successfully challenged, that determination is conclusive.” *Chanhassen Estates*, 342 N.W.2d at 340; *see also In re Buffalo Bituminou’s Petition*, No. C9-95-2429, 1996 WL 363389, at *3 (Minn. App. July 2, 1996) (“Under the zoning ordinance, ‘mining, sand and gravel extraction’ is expressly designated a ‘conditional use’ in that zone. Wright County, Minn., Zoning Ordinance § 604.4 (1995). Thus, such a use is deemed ‘consistent with the public health, safety, and general welfare and consonant with the goals of [the locale’s] comprehensive plan.’ *Chanhassen Estates*, 342 N.W.2d 335 at 340”).

As set forth above, Applicant’s planned enclosed retail operation for sporting goods is a conditionally-permitted use in the B-W District under Sections 1303.180, subd. 4(c) and 1303.130, subd. 2(ii) of the Zoning Code. Attach. 1. Accordingly, City has “conclusive[ly]” determined that an enclosed retail operation for sporting goods is consistent with the public health, safety and general welfare.

B. City’s additional CUP requirements

In addition to the above-identified requirements in Section 1303.130, subd. 2(ii) of the Zoning Code, Section 1301.050, subds. 2(e) and (l) set forth additional substantive requirements for CUP requests as follows:

- 1) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Land Use Plan and all other plans and controls.
 - 2) The proposed use is or will be compatible with present and future land uses of the area.
 - 3) The proposed use conforms with all performance standards contained herein.
 - 4) The proposed use will not tend to or actually depreciate the area in which it is proposed.
 - 5) The proposed use can be accommodated with existing public services and will not overburden the City’s service capacity.
 - 6) Traffic generation by the proposed use is within capabilities of streets serving the property.
-

Samantha Crosby
January 11, 2021
Page 5

Attach. 5. In addition to these substantive criteria, Section 1301.050, subd. 3 of the Zoning Code sets forth the following informational requirements:

The information required for all conditional use permit applications generally consists of the following items, and shall be submitted when requested by the City.

a) Site Development Plan:

- 1) Location of all buildings on lots including both existing and proposed structures.
- 2) Location of all adjacent buildings located within three hundred fifty (350) feet of the exterior boundaries of the property in questions.
- 3) Location and number of existing and proposed parking spaces.
- 4) Vehicular circulation.
- 5) Architectural elevations (type and materials used in all external surface).
- 6) Location and type of all proposed lights.
- 7) Curb cuts, driveways, number of parking spaces.

b) Dimension Plan:

- 1) Lot dimensions and area.
- 2) Dimensions of proposed and existing structures.
- 3) "Typical" floor plan and "typical" room plan.
- 4) Setbacks of all buildings located on property in questions.
- 5) Proposed setbacks.
- 6) Sanitary sewer and water plan with estimated use per day.

c) Grading Plan:

- 1) Existing contour.
 - 2) Proposed grading elevations.
 - 3) Drainage configuration.
 - 4) Storm sewer catch basins and invert elevations.
 - 5) Spot elevations.
 - 6) Proposed road profile.
- d) Landscape Plan:
- 1) Location of all existing trees, type, diameter, and which trees will be removed.
 - 2) Location, type and diameter of all proposed plantings.
 - 3) Location and material used of all screening devices.
- e) Legal description of property under consideration.
- f) Proof of ownership of the land for which a conditional use permit is requested.
- g) Any other information as the City may reasonably require.

Id.

C. An applicant is entitled to CUP approval if its request meets applicable requirements

It is arbitrary as a matter of law for a permit to be denied even though the permit applicant met all of the zoning requirements. Indeed, “[w]here a zoning ordinance specifies standards which must be applied in determining whether or not to grant a conditional use permit, and the applicant fully complies with the specified standards, a denial of the permit is arbitrary as a matter of law.” *Scott County Lumber Co. v. City of Shakopee*, 417 N.W.2d 721, 727 (Minn. App. 1988) (citing *Hay v. Twp. of Grow*, 296 Minn. 1, 5, 206 N.W.2d 19, 22 (Minn. 1973); *see also Zylka v. City of Crystal*, 283 Minn. 192, 196, 167 N.W.2d 45, 49 (Minn. 1969) (“A denial would be arbitrary, for example, if it was established that all of the standards specified by the ordinance as a condition to

granting the permit have been met”); *Amoco Oil Co. v. City of Minneapolis*, 395 N.W.2d 115, 118 (Minn. App. 1986) (“It is well established that where a zoning ordinance specifies standards to apply in determining whether or not to grant a conditional use permit and the applicant fully complies with the specified standards, a denial of the permit is arbitrary as a matter of law”) (citing *Hay*, 206 N.W.2d at 22); *Bartheld v. County of Koochiching*, 716 N.W.2d 406, 411 (Minn. App. 2006); *Yang v. County of Carver*, 660 N.W.2d 828, 832 (Minn. App. 2003). As set forth below, Applicant’s CUP application for its retail operation satisfies all applicable criteria.

D. Applicant satisfies all Zoning Code CUP criteria and requirements

First, Stantec opines that Applicant satisfies the CUP criteria under Zoning Code § 1303.180, subd. 4(c)(2)-(4) as follows:

- 2) Such use does not constitute more than thirty (30) percent of the lot area and not more than fifty (50) percent of the gross floor area of the principal use.

The area of the retail space is 2200 square feet, while the total lot area is 2.215 acres or 96,385 square feet. Given this information, the retail space constitutes roughly 2.3 percent of the overall lot area. The allowed floor space for the retail sales use is based off the gross floor area of the range, which is the principal use. The total gross floor area of the range is roughly 7,800 square feet. The retail space is calculated to be roughly 28 percent of the principal use, less than the 50 percent maximum allowed.

- 3) Adequate off-street parking and off-street loading in compliance with the requirements of Sections 1302.050 and 1302.060 of this Code is provided.

Parking requirements have been calculated per City Code §1302.050 and are shown on the Architecture Site Plan A040, and included in the diagram in Figure 1 below. Calculations show a required 61 parking spaces for all retail, office, storage, and range space. The applicant proposes to construct 63 regular parking spaces and 3 ADA accessible parking spaces, for a total of 65 spaces, exceeding the required 61 parking spaces needed.

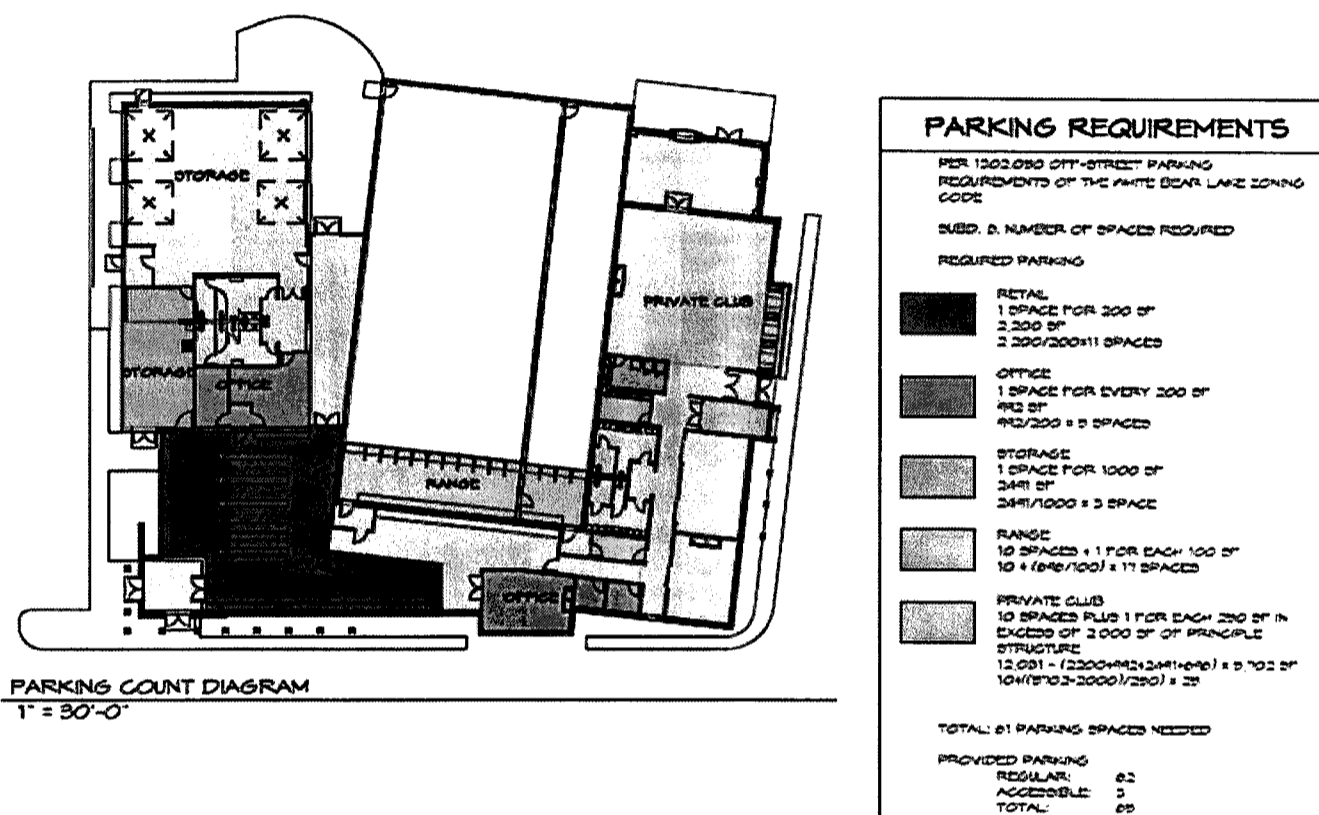


Figure 1. Parking Diagram

The applicant is not proposing any changes to the off-street loading at this property. Off street loading of merchandise will be managed through an existing off-street loading dock on the south side of the building.

- 4) All signing and information or visual communication devices shall be in compliance with the White Bear Lake Sign Code.

Code §1202 provides requirements for signage. The applicant proposes two types of signage, a monument sign at the entrance to the property, and a wall sign affixed to the building. The City Code defines monument sign as "any freestanding sign with its sign face mounted on the ground or mounted on a base that is at least as wide and which has a maximum height of 10 feet." The monument sign is shown in the document A310 Sign and Elevation Details. Per City Code §1202 Subd. 2 B, one Freestanding Monument Signs is permitted per property within the B-W zoning district. The sign may not exceed 35 square feet per side, must be architecturally compatible with the principal building, may be no more than 10 feet in height, and must be placed 10 feet from any driveway or property line. The base of the sign must be landscaped with a mulch shrub and perennial bed. The sign that the applicant proposes is 35 square feet in area and 6 feet tall measured from grade.

Samantha Crosby
January 11, 2021
Page 9

The sign will be located in an existing sign island near Centerville Road on the west side of the property. The exact location is shown in the Architectural Site Plan. The sign is architecturally similar to the principal building, with a stone base, concrete matching the building color and finish, and metal cut signage. The applicant will work with the City to ensure that the exact placement and landscaping around the base of the sign conforms with City requirements.

City Code §1202 also provides requirements for wall signs, which are defined in the City Code as “any building sign attached parallel to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall or building or structure, which is supported by such wall or building, and which displays only one sign surface.” City Code §1202 Subd. 2 requires that wall signs on single-tenant buildings be no more than 10% of the gross wall area on the front wall, and no more than 5% of gross wall area on side and rear walls. The maximum wall sign area for buildings of this size is 150 square feet. Two signs are proposed on the west (front) side of the building, the total square footage of the signs is 150 square feet and less than 10% of the gross wall area.

Attach. 6. City is bound by uncontroverted expert testimony relating to land use approval requests. *See Trisko v. City of Waite Park*, 566 N.W.2d 349, 356 (Minn. App.) (“[A] city may not reject expert testimony without adequate supporting reasons”), *review denied* (Minn. Sept. 25, 1997). Stantec is a well-recognized land use consulting expert. And, as such, its expert opinion will be uncontroverted.

Second, Stantec further opines, as follows, that Applicant’s requested CUP complies with all relevant and applicable criteria in Section 1301.050, subs. 2(e) and (l):

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Land Use Plan and all other plans and controls.

The proposed use is consistent with the City’s 2040 Comprehensive Land Use Plan, which guides the property as Business Park. The definition of Business Park “allows a mix of light industrial, warehouse, office, and limited retail uses. Uses should primarily be contained within primary structures with outdoor processing and storage generally prohibited.” The indoor range use with the accessory enclosed retail use is compatible with this land use and the plan for the area.

2. The proposed use is or will be compatible with present and future land uses of the area.

The existing land use of the property is commercial, and the property is surrounded by existing industrial buildings to the north and south, as well as vacant land to the South. The east side of the property abuts Interstate 35E, and the west side of the property abuts Centerville Road. Due to the shape of the property, the proposed building will be set back significantly from Centerville Road, and the view of the building will be obstructed by existing buildings. Given this information, the use is compatible with existing land uses.

As discussed in item 1, the future land use of this area is Business Park, which is consistent with the proposed use.

3. The proposed use conforms with all performance standards contained herein.

Stantec has reviewed performance standards, and an analysis of reviewed standards is included below:

Lot, Setback and Building Requirements in the B-W District

Stantec has reviewed Zoning Code Sections 1303.180 subd. 5 and 6 for conformance with lot requirements and setbacks and building requirements. Stantec analysis is provided in italics.

Per city code Section 1303.180 subd. 5 the following minimum requirements shall be observed in a B-W District:

- a. Lot Area – 15,000 square feet

Lot area is 96,484 square feet. This requirement is met.

- b. Lot width – 100 feet

Lot width is 247.43 feet. This requirement is met.

- c. Setbacks:
-

- (1) Front yard: not less than thirty (30) feet
- (2) Side yards: not less than twenty (20) feet
- (3) Rear yards: not less than thirty (30) feet

All setback requirements have been met per the submitted plans.

City code Section 1303.180 subd. 6 describes the following building requirements:

- a. Height. No structure shall be taller than three (3) stories, not to exceed thirty-six (36) feet, except as provided in Section 1302.040, Subd. 3 of this Code.

The structure is proposed to be 1 story. This requirement is met

Landscaping

Zoning Code Section 1302.030 subd.7 provides requirements for landscaping

A landscape plan has been submitted as part of this CUP, which includes City Code required landscaping. The applicant will work with the City to address any issues with the landscape plan.

4. The proposed use will not tend to or actually depreciate the area in which it is proposed.

The surrounding properties are zoned B- W Business/Warehousing, which is compatible with this use. The rear yard of the property abuts Interstate 35E, which will not depreciate as a result of the use at this property. The entire range, and all retail sales operations will be conducted indoors, and will not depreciate the quality of the area. The building itself is setback significantly from the road and any residential uses, and is surrounded by existing light industrial properties. The updates and façade improvements to the building proposed by the applicant will be an improvement to the property and the area as a whole, and will not depreciate other nearby uses.

5. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.

The applicant has submitted a utility plan as part of the CUP package prepared for this property. Based on this plan, it is anticipated that the proposed use may be accommodated within existing public services, and will not overburden the City's service capacity.

6. Traffic generation by the proposed use is within capabilities of streets serving the property.

The proposed use is not anticipated to generate more traffic than other permitted uses in this area. Centerville Road is categorized as an A-minor expander, which is capable of managing traffic generation from the proposed use. The use will likely be accessed from County Highway 96 E (A Minor Expander) and I-35E (Principal Arterial), both of which are capable of handling traffic generation from the proposed use at this property.

Attach. 6. City is again bound by Stantec's uncontroverted expert testimony regarding Applicant's entitlement to its requested CUP. *See Trisko*, 566 N.W.2d at 356.

Finally, Applicant has submitted as part of the Land Use Application the information identified in the site plan, dimension plan, grading plan and landscape plan requirements in Section 1301.050, subds. 3(a)-(d) of the Zoning Code. Moreover, as required by Section 1301.050, subds. 3(e) and (f) of the Zoning Code, Applicant provides the following:

- Legal description of property under consideration: Lot 3 Block 1, New Bedford Addition, PID# 213022130027.
- Proof of ownership of the land for which a conditional use permit is requested: *See* Property Tax Statement. Attach. 7.

E. Acceptable conditions must be applied to address legitimate concerns

The law is also clear that a requested CUP must be approved where, as here, any concerns could be addressed by readily-available permit conditions. Indeed, "[e]vidence that a municipality denied a [land-use request] without suggesting or imposing conditions that would bring the proposed use into compliance may support a conclusion that the denial was arbitrary." *Trisko*, 566

Samantha Crosby
January 11, 2021
Page 13

N.W.2d at 357 (citing *Minnetonka Congregation of Jehovah's Witnesses v. Svee*, 303 Minn. 79, 85-86, 226 N.W.2d 306, 309 (1975) (in determining CUP denial to be arbitrary, the court concluded that "perhaps most importantly, there was no attempt made, either by the opponents or the council, to suggest or impose conditions which would insure proper landscaping, setbacks, or ingress and egress")). In fact, City is required to address its legitimate health, safety or welfare concerns with Applicant's requested CUP through the imposition of reasonable permit conditions. See, e.g., *Minnetonka Congregation of Jehovah's Witnesses, Inc.*, 226 N.W.2d at 309; *Trisko*, 566 N.W.2d at 357; *Veit USA, Inc. v. Sherburne County*, No. A08-0581, 2009 WL 605722, at *4 (Minn. App. March 10, 2009) (because the county could have approved the CUP with conditions, we find the denial unreasonable, arbitrary and capricious"), review denied (Minn. May 27, 2009); *duCharme v. Otter Tail County Bd. of Commr's*, No. A08-0529, 2009 WL 1851445, at *4 (Minn. App. June 30, 2009) ("The record indicates that, although the planning commission heard testimony about relators' mitigation efforts during the public hearings, the county board did not address the effect of these efforts or impose any other traffic and density mitigation requirements as conditions of granting the CUP"); *Buberl Recycling & Compost, Inc. v. Chisago County Bd. of Commr's*, No. A08-1958, 2009 WL 2746231, at *5 (Minn. App. Sept. 1, 2009) ("The fact that the county apparently ignored conditions that could have brought the composting facility into compliance with zoning ordinances suggests that the denial of relator's CUP was arbitrary"); *In re Stuckmayer*, No. A09-30, 2009 WL 4910053, at *6 (Minn. App. Dec. 22, 2009) ("The board also ignored the proposed conditions of planting a row of trees that was specifically designed to improve the aesthetics . . . , further supporting relators' argument that the board's decision was arbitrary"). Moreover, Zoning Code § 1301.050, subd. 2(h) expressly provides that City is obligated to address its legitimate concerns regarding Applicant's requested CUP with reasonable conditions: "The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of the Code." Attach. 5.

There is no question that whatever legitimate concerns may exist with Applicant's requested CUP for the retail sales operation can be addressed by the imposition of reasonable conditions. Applicant reiterates a willingness to abide by all reasonable CUP conditions.

III. CONCLUSION

As demonstrated in the Land Use Application and supporting submissions, Applicant is legally entitled to the requested land use approvals and confirmations for the Project. Applicant looks forward to expeditiously receiving the same so that Applicant may proceed with its Project.

Thank you.

Samantha Crosby
January 11, 2021
Page 14

Sincerely,

Taft Stettinius & Hollister LLP

/s/ Jason R. Asmus

Jason R. Asmus

Attachs. 1-7

11898402v2

ATTACH. 1

§1303.180 "B-W", BUSINESS/WAREHOUSING DISTRICT

Subd. 1. Purpose. The purpose of the "B-W", Business/Warehousing District is to provide for the establishment of the following: storage and/or warehousing as well as individual sales of large volume wholesale or bulk commercial retail items. The overall character of the "B-W" District is intended to be transitional in nature, thus industrial uses allowed within this District shall be limited to those which can compatibly exist adjacent to commercial and lower intensity activities. (Ref. Ord. 99-08-972A, 8/10/99)

Subd. 2. Permitted Uses. The following are permitted uses in a "B-W" District:

- a) Radio and television stations.
- b) Warehouses.
- c) Government and public utility buildings and structures.
- d) Cartage and express facilities.
- e) Building materials sales.
- f) Commercial/leased offices.
- g) Transportation terminals.
- h) Research laboratories and facilities.
- i) Commercial printing establishments.
- j) Jewelry manufacturing.
- k) Medical, dental and optical laboratories.
- l) Wholesale business.
- m) Essential services.
- n) Trade schools.
- o) Commercial recreation facilities (indoor only) limited to firearms and archery ranges, fitness center, golf course, gymnastics center, jump center, indoor golf driving range, indoor batting cages, racquetball, roller, and ice skating rink, tennis, vehicle racing or amusement and similar uses. (Ref. Ord. 03-10-1010, 10/14/03, Ord. 05-06-1028, 6/14/05, Ord. 06-01-1032, 1/10/06)
- p) Manufacturing light.

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses in a "B-W" District:

- a) All permitted accessory uses as allowed in the "B-5" District.
- b) Semi-truck parking.

Subd. 4. Conditional Uses. The following are conditional uses in a "B-W" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) Open and outdoor storage as a principal or accessory use, provided that:
 - 1) The area is fenced and screened from view of neighboring residential uses or if abutting a Residential District, in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 2) Storage is screened from view from the public right-of-way in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 3) Storage area is grassed or surfaced to control dust.
 - 4) All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 1302.030, Subd. 9 of this Code.
 - 5) The use does not take up parking space as required for conformity to this Code.
- b) Open or outdoor service, sale and rental as a principal or accessory use, provided that:
 - 1) Outside services, sales and equipment rental connected with the principal use is limited to thirty (30) percent of the gross floor area of the principal use.
 - 2) Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting Residential District, in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 3) All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 1302.030, Subd. 9 of this Code.
 - 4) The use does not take up parking space as required for conformity to this Code.
 - 5) Sales area is grassed or surfaced to control dust.
- c) Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:
 - 1) Such use is allowed as a permitted use in a "B-1" or "B-2" District.

- 2) Such use does not constitute more than thirty (30) percent of the lot area and not more than fifty (50) percent of the gross floor area of the principal use.
 - 3) Adequate off-street parking and off-street loading in compliance with the requirements of Sections 1302.050 and 1302.060 of this Code is provided.
 - 4) All signing and informational or visual communication devices shall be in compliance with the White Bear Lake Sign Code.
- d) Commercial/industrial planned unit development as regulated by Section 1301.070 of this Code.
- e) Commercial and industrial businesses which are defined as a permitted or conditional use in this district abutting residentially zoned land provided that: (Ord. No. 813, 4/10/90; 827, 1/08/91)
- 1) Deliveries and/or delivery truck access of site during the hours of 10:00 P.M. to 6:00 A.M., will be limited to single unit, two-axle vehicles not in excess of 26,000 pounds gross vehicle weight (GVW). In the event that said vehicles making deliveries during the hours between 10:00 P.M. and 6:00 A.M. establish a pattern of violating the City of White Bear Lake's noise ordinance, §703.070, and amendments thereto, after ten (10) days written notice to the property owner and after a hearing before the City Council, the City Council, in its discretion, by resolution, including specific findings of fact establishing such a pattern of violating said noise ordinance, may further restrict deliveries to the property, but such restriction shall not be more stringent than necessary to assure compliance with the noise ordinance. The City may only use violations of the noise ordinance which it gave previous notice of to the property owner.
 - 2) No building, loading dock or loading berth shall set within fifty (50) feet of residentially zoned property.
 - 3) The business or industry will provide a screening/buffer zone along the boundary of the residential property. The screening/buffer zone shall be at least twenty (20) feet in width and shall be designed to include all of the following: An opaque wooden or masonry fence of at least eight (8) feet in height; a planting strip which includes a combination of deciduous trees to provide added screening above the fence line and evergreens to provide enhanced noise buffering as needed; an earthen berm may also be required to reduce noise and improve screening. The screening/buffer plan shall be subject to City Council approval.
 - 4) All lighting shall be equipped with sharp cut-offs with concealed luminaries. Pole heights shall not be higher than twenty-five (25) feet, except no pole higher than twelve (12) feet shall set closer to residentially zoned land than fifty (50) feet. Where backs of stores and/or loading docks are immediately adjacent to residentially zoned land, wall packs, mounted not higher than ten (10) feet, shall be used instead of poles where possible. The lighting plan shall be subject to approval by the City Council.
 - 5) Said businesses' operations and deliveries shall not disturb the peace and repose of adjacent residences as outlined in the City of White Bear Lake noise ordinance §703.070. No use of forklifts shall take place out of doors within one hundred fifty (150) feet of residentially zoned property.

- 6) The above outlined requirements are minimum requirements. The City Council may impose additional standards as are deemed necessary to promote compatibility between land uses.
- f) Security Management Apartments Requirements. All security management apartments shall comply with the following requirements: (Ref. Ord. No. 766, 8/9/88)
1. Security Apartment shall be defined as: A single rental unit for no more than two (2) persons employed as security or management for the facility in which the apartment is located.
 2. The security management apartment shall be located within the industrial complex and must be an integral portion of the original design, not to be added after the original complex is built.
 3. The security apartment shall not exceed twelve hundred (1200) square feet.
 4. The unit shall comply with all of the requirements of the State Building Code for R3 occupancy.
 5. No separate driveway or curb cut shall be permitted for the security apartment unit.
 6. In addition to meeting the off-street parking requirements of Section 1302.05 of the code, one (1) parking space shall be provided for each tenant, but not less than one space per security apartment.
 7. The apartment is to be used strictly for security management dwelling. Any other use is prohibited under this code.
- g) Adult establishments as defined and regulated by Chapter 1124 of the City Code.
- h) Pawnbrokers and precious metal dealers as defined and regulated by Chapter 1125 of the City Code.

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in a "B-W" District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

- a) Lot Area - 15,000 square feet.
- b) Lot Width - 100 feet.
- c) Setbacks:
 - 1) Front yards: Not less than thirty (30) feet.
 - 2) Side yards: not less than twenty (20) feet on any one side, nor less than thirty (30) feet on a side yard abutting a public right-of-way. (Ref. Ord. No. 813, 4/10/90)
 - 3) Rear yards: Not less than thirty (30) feet.

Subd. 6. Building Requirements.

- a) Height. No structure shall be taller than three (3) stories, not to exceed thirty-six (36) feet, except as provided in Section 1302.040, Subd. 3 of this Code.
- b) Exterior Building Materials. This section identifies permitted building materials to be used in industrial building construction which are durable and long lasting. By identifying permitted building materials, high quality development is achieved in both visual and functional terms.
 - 1) All exterior wall finishes shall be of consistent quality limited to one or a combination of the following:
 - a. Face brick;
 - b. Natural stone;
 - c. Decorative concrete block which is painted or colored by pigment impregnated throughout the entire block;
 - d. Cast in place concrete or pre-cast concrete panels per approval of an architectural treatment by the Zoning Administrator;
 - e. Stucco;
 - f. Wood, provided the surfaces are finished for exterior use;
 - g. Curtain wall panels of steel, fiberglass or aluminum, provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are corrosion resistant. The gross building wall area of this type shall be limited to no more than fifty (50) percent of an aggregate of walls excluding window and door areas;
 - h. Glass;
 - i. Painted concrete block provided that it is not used on any building wall visible from a public right-of-way.
 - 2) All subsequent additions and exterior alterations to non-conforming buildings must be constructed with the materials required in this ordinance if the addition or alteration exceeds twenty-five (25) percent of the floor area of the original non-conforming structure.
 - 3) Accessory buildings constructed after the erection of the original building or buildings shall be constructed of materials comparable to those used in the principal building and shall be designed in a manner conforming to the architectural and general appearance.
 - 4) The following exterior building materials are prohibited:
 - a. Face materials which rapidly deteriorate or become unsightly such as galvanized metal;

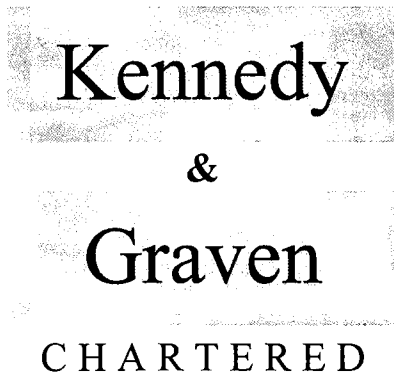
§1303.180

ZONING CODE

§1303.180

- b. Unfinished structural clay tile and metal panels not factory finished with a permanent surface;
- c. Buildings comprised exclusively of metal, pole buildings, sheet metal, plastic or fiberglass siding unless such siding is a component of a factory fabricated and finished panel.

ATTACH. 2



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MEMORANDUM

To: Jason Asmus, Attorney for
Heartland Twin Cities Gun
Club and Range

From: Troy Gilchrist, City Attorney

Date: October 25, 2019

Re: Zoning Analysis of the Proposed Range and Retail Sales Uses

Heartland Twin Cities Gun Club and Range (“Applicant”) has approached the City of White Bear Lake (“City”) about the potential to use the property located at 4350 Centerville Road within the City to construct and operate an indoor firearms range (“Range”) and to have associated sales of guns, ammunition, and hunting related sporting goods (collectively, “Retail Sales”). The Applicant presented its analysis of the City Code related to the proposed uses, which includes an opinion that the Retail Sales component of the proposed uses is allowed as a permitted accessory use to the Range. City staff has indicated it does not agree with the Applicant’s analysis of the Retail Sales issue and promised to provide the Applicant its written interpretation of the City Code on this issue.

This memo sets out City staff’s interpretation of the City Code on the proposed uses, keeping in mind the City has not receive a completed zoning application for the proposed uses. Additionally, City staff indicated during its discussions with the Applicant that it will need additional information from the Applicant in order to fully evaluate its proposed uses, some of which has since been provided by the Applicant.

The following summarizes the City Code provisions applicable to the proposed Range use and provides a more detailed analysis of the proposed Retail Sales component. This memo is limited to discussing the uses and will not discuss dimensional or other zoning standards that may apply to this property or these uses.

Range

1. Permitted Use. City Code § 1303.180, subd. 2(o) classifies indoor firearms ranges as “commercial recreation facilities” and allows them as a permitted use in the B-W District.
2. Building Permits. The construction/remodel of the facility will require the applicant to obtain the necessary building permits.
3. License. City Code § 1101.010 requires a person to obtain a license from the City in order to operate a “shooting gallery” within the City. Such licenses expire on March 31st and must be renewed annually.

Retail Sales

1. Applicant’s Position. The Applicant asserts the Retail Sales component is allowed as a “permitted accessory use.” Under City Code § 1303.180, subd. 3(a), the permitted accessory uses allowed in the B-W District includes:

“All permitted accessory uses allowed in the ‘B-5’ District.”

The permitted accessory uses allowed in the B-5 District then refers to those accessory uses allowed in the B-4 District, and such cross-references continue until the permitted accessory uses are actually listed in City Code § 1303.120, subd. 3(a) related to the B-1 District. The permitted accessory uses allowed in the B-1 District, and thus also in the B-W District, include:

“Commercial or business buildings and structures for a use accessory to the principal use, but such use shall not exceed thirty (30) percent of the gross floor space of the principal use.”

The Applicant argues the Retail Sales use “meets the definition of an accessory building or use, as it is located on the same lot on which the principal use is situated and is also reasonably necessary and incidental to the primary use as a firearms range.” As such, the Applicant asserts the Retail Sales use is a permitted accessory use to the Range and can occur without the issuance of a permit for the use.

2. City Staff’s Position. City staff disagrees with the Applicant’s interpretation that the Retail Sales use is a permitted accessory use because accessory indoor retail sales is expressly identified as a use in the B-W District for which a conditional use permit (“CUP”) is required. Specifically, the list of conditional uses in City Code § 1303.180, subd. 4 includes (emphasis added):

- c) **Accessory, enclosed retail**, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:

- 1) Such use is allowed as a permitted use in a "B-1" or "B-2" District.
- 2) Such use does not constitute more than thirty (30) percent of the lot area and not more than fifty (50) percent of the gross floor area of the principal use.
- 3) Adequate off-street parking and off-street loading in compliance with the requirements of Sections 1302.050 and 1302.060 of this Code is provided.
- 4) All signing and informational or visual communication devices shall be in compliance with the White Bear Lake Sign Code.

This specific reference to accessory and enclosed retail uses that are not allowed as a permitted use or a conditional use in the section controls over a general reference to allowed accessory uses that only speaks to “commercial or business **buildings and structures**” that house an allowed accessory use. This interpretation that the specific controls over the general is supported by City Code § 102.110, which adopts the rules of construction for the Minnesota Statutes.

Under the rules of construction in Minn. Stat. § 645.26, subd. 1, to the extent there is a conflict between two provisions in the law that cannot be resolved, the specific provision prevails over the more general provision unless the general provision was enacted later. City staff did not undertake a historic search of these City Code provisions, but there is no reason to believe the general reference to accessory uses came after the provision quoted above identifying accessory and enclosed retail as uses requiring a conditional use permit in the B-W District.

Having identified the Retail Sales use as being categorized a conditional use in the B-W District, the next level of inquiry is whether the proposed use satisfies the criteria established for this conditional use.

- 1) Such use is allowed as a permitted use in a "B-1" or "B-2" District.

The list of permitted uses in City Code § 1303.130, subd. 2 allowed in the B-2 District includes:

- ii) Sporting goods establishment and bait shops.

The City Code does not specifically define sporting goods establishments, but the additional information presented by the Application related to its intended Retail Sales use shows pictures of sporting goods and identifies the following as part of its mission statement:

“Our Retail Pro Shop will include a variety of hunting shotguns and rifles along with other types of firearms. We will also stock accessories designed to provide

for a safe and comfortable shooting experience, including ammunition, hearing protection and safety glasses. Apparel and other sporting goods relating to shooting and other outdoor sports will also be offered.”

Based on this description, City staff determines the Retail Sales use would qualify as a sporting goods establishment, and so satisfies the first criteria to be eligible to apply for a CUP.

- 2) Such use does not constitute more than thirty (30) percent of the lot area and not more than fifty (50) percent of the gross floor area of the principal use.

In this case, the allowed floor space for the Retail Sales use would be based off of the gross floor area of the Range. More information is needed in order to confirm this calculation, but City staff does not anticipate a particular problem with meeting this criterion as it is a matter of limiting the area devoted to Retail Sales to the allowed floor space.

- 3) Adequate off-street parking and off-street loading in compliance with the requirements of Sections 1302.050 and 1302.060 of this Code is provided.

This criteria will need to be more specifically reviewed when additional information regarding the various components of the proposed use is provided, but City staff does not anticipate a problem with off-street parking or loading that would make the Applicant ineligible to apply for a CUP.

- 4) All signing and informational or visual communication devices shall be in compliance with the White Bear Lake Sign Code.

This criteria will be more specifically reviewed as part of processing the application, but City staff does not anticipate a problem regarding signage that would make the Applicant ineligible to apply for a CUP.

Because the Retail Sales use is not otherwise allowed in the B-W District as a permitted or conditional use, and based on this analysis of the criteria, City staff determines the Applicant is eligible to apply for a CUP for “enclosed retail” accessory to the principal Range use under City Code § 1303.180, subd. 4(c).

Conclusions

- The Range is a permitted use in the B-W District and can proceed if the related permits (e.g., building permits) and a shooting gallery license are obtained.
- The Retail Sales use constitutes enclosed retail that is allowed in the B-W District with the issuance of a CUP.

City staff and the City attorney are happy to answer any questions the Applicant may have regarding the analysis in this memo.

ATTACH. 3



HANDBOOK FOR MINNESOTA CITIES

**Chapter 13 Comprehensive Planning,
Land Use and City-Owned Land**

Table of Contents

I. City land use regulation.....2
 A. Comprehensive planning and planning commissions3
 B. Subdivision regulations6
 C. Zoning regulation 12
 II. Enforcement of zoning and subdivision regulations 19
 III. Making a record and judicial review20
 IV. Interim ordinances: Moratorium.....21
 V. Real estate acquisitions, sales, and other dispositions.....22
 A. Vacating easements, streets, and roads..... 22
 B. Establishing streets, roads, and cartways 24
 C. Eminent domain 25
 VI. The “takings” issue.....28
 A. The general law 28
 VII. How this chapter applies to home rule charter cities.....29

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.



HANDBOOK FOR MINNESOTA CITIES

Chapter 13 Comprehensive Planning, Land Use and City-Owned Land

Learn about land use ordinances to establish zoning and subdivision regulations, and city land acquisition through dedication, negotiation and eminent domain. Regulations and acquisition are the two basic methods of city land use control.

RELEVANT LINKS:

Minn. Stat. § 462.351.

See LMC information memo, *Planning Commission Guide*.
See LMC information memo, *Zoning Guide for Cities*.
See LMC information memo, *Subdivision Guide for Cities*.

I. City land use regulation

Cities are granted the authority to regulate land use by the Municipal Planning Act. Cities outside the seven-county metro area are not required to regulate land use. For those cities engaged in land use regulation, the Municipal Planning Act provides the framework and road map that all cities must follow.

Cities regulate land use through three basic tools:

- The comprehensive plan.
- The zoning ordinance.
- The subdivision ordinance.

Cities are not required to adopt all three tools when engaged in municipal planning. However, it is important to note that each tool serves a separate and essential purpose.

These planning, zoning, and subdivision tools harmonize and interact in important ways to protect and promote the sound development of the city. First, the comprehensive plan helps the city look to the future, as it guides current development in administering its zoning ordinance and subdivision ordinance. The city subdivision ordinance regulates the division of land into smaller lots and the creation of blocks and neighborhoods with safe streets, appropriate environmental features, and character. Finally, the city zoning ordinance regulates the use and density of city zones for commercial, residential, and industrial purposes, both segregating and combining uses where appropriate to prevent congestion, environmental contamination, and other negative human health hazards.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

See LMC information memo, *Planning Commission Guide*.
Minn. Stat. § 462.351.
Minn. Stat. § 462.352, subd. 5. See Minn. Stat. § 462.355, subd. 1a. Sample Bethel Comprehensive Plan, City Population 502. Sample La Crescent Comprehensive Plan, City Population 5,174. Sample Minnetonka Comprehensive Plan, City Population 51,519.

Minn. Stat. § 462.352, subd. 8.
Minn. Stat. § 462.352, subd. 7.
Minn. Stat. § 462.352, subd. 8.
Minn. Stat. § 462.352, subd. 9.

A. Comprehensive planning and planning commissions

1. Purpose of comprehensive planning

In essence, a comprehensive plan is an expression of the community's vision for the future and a strategic map to reach that vision.

Comprehensive planning is not mandatory in cities outside the seven-county metropolitan area. However, comprehensive planning is an important tool for cities to guide future development of land to ensure a safe, pleasant, and economical environment for residential, commercial, industrial, and public activities. In addition, planning can help:

- Preserve important natural resources, agricultural land, and other open lands.
- Create the opportunity for residents to participate in guiding a community's future.
- Identify issues, stay ahead of trends, and accommodate change.
- Ensure that growth makes the community better, not just bigger.
- Foster sustainable economic development.
- Provide an opportunity to consider future implications of today's decisions.
- Protect property rights and values.
- Enable other public and private agencies to plan their activities in harmony with the municipality's plans.

For many cities, creating a comprehensive plan is the first step in adopting zoning and subdivision regulations for the city. As a result, the comprehensive plan normally lays out a vision for the city's future land development and land use, dictating where growth should occur, the type of growth that is allowed in various areas of the city, and the density of such growth. A comprehensive plan also may include a:

- Public or community facilities plan.
- Thoroughfare or transportation plan.
- Parks and open space plan.
- Capital improvement program.

While not all cities are required to adopt a comprehensive plan, a plan is still a good practice. First, once a plan is adopted, it guides local officials in making their day-to-day decisions and becomes a factor in their decision-making process.

RELEVANT LINKS:

Minn. Stat. § 462.357, subd. 2. Minn. Stat. § 462.352, subd. 6. Minn. Stat. § 462.357, subd. 2 (c).

Minn. Stat. § 473.858, subd. 2.

Minn. Stat. § 473.175. Metropolitan Council.

City of Lake Elmo v. Metropolitan Council, 685 N.W.2d 1 (Minn. 2004).

Minn. Stat. § 462.355, subd. 2. See LMC information memos, *Newspaper Publication and Zoning Guide for Cities*, Section V-C-2-b on conducting a public hearing.

Second, preparing a comprehensive plan prior to the adoption of a zoning or subdivision ordinance also affords the city additional legal protections if a particular ordinance provision is challenged in court. Zoning and subdivision ordinances must be reasonable and have a rational basis. Comprehensive plans assist a city in articulating the basis for its legislative decisions. Usually the courts will not question the policies and programs contained in a comprehensive plan adopted by a local community, or question the ordinances based upon the plan, unless the particular provision appears to be without any rational basis, or clearly exceeds the city's regulatory authority.

If a city is not able to develop a comprehensive plan prior to adopting a zoning or subdivision ordinance, the ordinances should be adopted in conjunction with extensive, written finding of facts, stating the policy reasons that necessitate the ordinance's adoption.

2. Procedure for adopting a comprehensive plan

a. Seven-county metro area plan review: adjacent units of government

Prior to plan adoption, cities within the seven-county metro area must submit their proposed comprehensive plans to adjacent governmental units and affected school districts for review and comment.

b. Seven-county metro area plan review: Metropolitan Council

Cities in the seven-county metropolitan area must submit their comprehensive plan to the Metropolitan Council for review of its compatibility and conformity with the Council's regional system plans. When the Metropolitan Council determines that a city's comprehensive land use plan may have a substantial impact on or contain a substantial departure from the Metropolitan Council's regional system plans, the Council has the statutory authority to require the city to conform to the Council's system plans.

c. All cities: public hearing requirements

Prior to adoption of a comprehensive plan, the planning commission must hold at least one public hearing. A notice of the time, place, and purpose of the hearing must be published once in the official newspaper of the municipality at least 10 days before the day of the hearing.

RELEVANT LINKS:

Minn. Stat. § 462.355, subd. 3.

See Section *I-B-2 Adopting the Comprehensive Plan*. Minn. Stat. § 462.355, subd. 3. See LMC information memo, *Zoning Guide for Cities*, Section V-C-2-b on conducting a public hearing.

Minn. Stat. § 473.175. Metropolitan Council.

Minn. Stat. § 462.355, subd. 3.

Minn. Stat. § 462.355, subd. 3.

See Section *I-D-3 on The 60-Day Rule*, also LMC information memo, *Zoning Guide for Cities*, Section V-A, The 60-Day Rule.

d. Vote requirements

Unless otherwise provided in a city charter, the city council may, by resolution and by a two-thirds vote of all of its members, adopt and amend the comprehensive plan or a portion of the plan. This means that on a five-member council, the comprehensive plan must receive at least four affirmative votes. The one exception is that if the amendment is to permit affordable housing development, a simple majority of all members—or three out of five—is sufficient to amend the comprehensive plan.

3. Procedure for amending a comprehensive plan

In amending a comprehensive plan, cities must follow the same procedure for adoption of a new plan. The planning commission must hold at least one public hearing on the amendment preceded by published notice.

Cities in the seven-county metro area must submit all amendments to their comprehensive plans to the Metropolitan Council for review.

Unless otherwise provided by charter or amendments to permit affordable housing development, all amendments to the comprehensive plan must be approved by a two-thirds vote of all of the city council.

After a city has adopted a comprehensive plan, all future amendments to the plan must be referred to the planning commission for review and comment. No plan amendment may be acted upon by the city council until it has received the recommendation of the planning commission, or until 60 days have elapsed from the date an amendment proposed by the city council has been submitted to the planning commission for its recommendation.

In submitting review and comment to council, the planning commission serves in a strictly advisory role. The city council ultimately decides on the acceptance, rejection, or revision of the plan, and is not bound by planning commission recommendations.

4. The 60-Day Rule and comprehensive plan amendments

Cities generally have only 60 days to approve or deny a written request relating to zoning, including applications to amend the comprehensive plan that are not initiated by the city council or city planning commission. This requirement is known as the “60-Day Rule.”

RELEVANT LINKS:

Minn. Stat. § 15.99.
Manco of Fairmont v. Town Bd. of Rock Dell Township, 583 N.W.2d 293 (Minn. Ct. App. 1998). *Hans Hagen Homes, Inc. v. City of Minnetrista*, 728 N.W.2d 536 (Minn. 2007).

Establishing A Planning Commission, LMC Model Ordinance.

Minn. Stat. § 462.355, subd. 1.
Minn. Stat. § 462.355, subd. 2.

See LMC information memo, *Planning Commission Guide*.

Minn. Stat. § 462.358, subd. 1(a), 2(a).
See LMC information memo, *Subdivision Guide for Cities*.

Minn. Stat. § 462.358, subd. 2(a).

The 60-Day Rule is a state law that requires cities to approve or deny a written request relating to zoning within 60 days, or it is deemed approved. The underlying purpose of the rule is to keep governmental agencies from taking too long in deciding land use issues. Minnesota courts have generally demanded strict compliance with the rule.

5. Planning commissions

Cities may provide for a planning commission by adopting an ordinance establishing the commission, its features, powers and duties. Once created, the planning commission can play an important role in city land use regulation. The planning commission is vested by state statute with the duty of preparing and maintaining the city comprehensive plan. However, the city council also may propose the comprehensive municipal plan and amendments to the plan by a resolution submitted to the planning commission. When this occurs, the council may not adopt the recommended language until it has received a report from the planning commission or 60 days have elapsed.

State statutes prescribe several other mandatory duties for the city planning commission. City ordinance should be drafted to include these duties. In addition, state statute permits some optional duties to be assigned to the planning commission in the council's discretion. City ordinance should make it clear which of these optional duties are assigned to the planning commission. Since state statute contains optional duties, general ordinance language stating that commission duties "shall be as established by state statute" may cause confusion over duties and should be avoided. The powers and duties of the planning commission are discussed more extensively in the LMC governing and managing memo *Planning Commission Guide*.

B. Subdivision regulations

1. The purpose of subdivision regulations

Cities may regulate the subdivision of land through a subdivision ordinance. Developers who seek to subdivide larger tracts of land into smaller parcels for development and/or sale must follow the city's subdivision regulations. These regulations specify the standards of the city related to size, location, grading, and improvement of:

- Lots.
- Structures.
- Public areas, trails, walkways, and parks.

RELEVANT LINKS:

Minn. Stat. § 462.358, subd. 10.
Minn. Stat. § 473.121, subd. 2.
Minn. Stat. § 473.865.
Minn. Stat. § 473.859, subd. 4.

Minn. Stat. §§ 462.351-.365.
Minn. Stat. § 462.352, subd. 14.
Minn. Stat. § 462.358, subd. 1(a).

Minn. Stat. § 462.358, subd. 2b.

- Streets and street lighting.
- Installations necessary for water, sewer, electricity, gas, and other utilities.

Subdivision regulations allow cities to ensure that a new development or redevelopment meets the standards of the city for a safe, functional, and enjoyable community. Importantly, subdivision regulations can help the city preserve and protect vital natural resources.

If a city does not adopt subdivision regulations, the city's authority to control the development of the community is limited. Without city subdivision regulations, developers do not have any constraint on the subdivision of land and the location of streets and utilities in their developments. In these situations, developers may be tempted to maximize their potential profits at the expense of quality. For example, they may create too many small lots for sale, develop cheaper streets that are too narrow and unsafe, or build homes on inappropriate soils where flooding or erosion may occur.

When there are problems with a completed development, there is a potential that the city will need to step in and correct issues that affect the health, safety, and welfare of residents. When a city must repair or replace streets, infrastructure, and utility lines, the costs are often passed along to homeowners through special assessments, potentially creating financial hardship for the homeowners in the subdivision.

State law does not require cities outside the metropolitan area to adopt subdivision regulations. Metropolitan cities must adopt subdivision regulations under and in conformance with the Metropolitan Land Planning Act.

2. Procedure for adopting and amending subdivision regulations

Subdivision regulations can only be imposed by a local ordinance adopted in accordance with the Municipal Planning Act. Unlike with zoning regulations, cities are not required to hold a public hearing or provide published or mailed notice prior to adopting or amending their subdivision regulations.

An ordinance may be adopted and amended by a simple majority vote of the council. Cities should follow their regular publication requirements. If the subdivision regulations require dedication of buildable land for streets, sewers, parks, utilities, recreational facilities, playgrounds, trails, wetlands, or open space, the city must first have in place either:

RELEVANT LINKS:

See LMC information memo, *Newspaper Publication*.
See Handbook, *Meetings, Motions, Resolutions and Ordinances*.

Minn. Stat. § 462.358, subd. 3b.

Minn. Stat. § 505.03, subd. 1.

Semler Const., Inc. v. City of Hanover, 667 N.W.2d 457 (Minn. Ct. App., 2003).
Jordan Real Estate Services, Inc. v. City of Gaylord, No. A08-0294, (Minn. Ct. App. April 14, 2009) (unpublished decision).
LMC information memo, *Taking the Mystery Out of Findings of Fact*.

Minn. Stat. § 462.358, subd. 3b.
Calm Waters, LLC v. Kanabec County Bd. of Com'rs, 756 N.W.2d 716 (Minn. 2008) (applies 60-Day Rule tolling only to county review of subdivisions).

(1) a capital improvement budget and a parks and open space plan; or (2) a parks and open space plan as a component of its comprehensive plan.

In statutory cities, ordinances and ordinance amendments must be published once in the city's official newspaper. A statutory city may also choose to publish a summary of lengthy ordinances, provided that certain legal requirements are met.

3. Administering a subdivision ordinance

a. Process for review

The city subdivision ordinance must establish the process for review of applications. Generally, subdivision application approval is a two-part process. First, the landowner applies for preliminary plat approval, and subsequently, for final plat approval. Cities may also opt to consolidate these two reviews and/or provide for administrative review of plats that delineate existing parcels and minor subdivisions. However, the two-step process is the most widely used process. Each approval process has its own mandatory timeline for approval.

b. 120 Days: Timelines for preliminary plat approval

The preliminary plat approval stage establishes the nature, design, and scope of a development project. It sets the conditions or guidelines, in large part, under which final plat approval can be obtained. After a plat is preliminarily approved, changes should generally be limited to meeting requirements imposed as a condition of approval and/or to meeting legal requirements under city ordinance and state or federal law (where applicable). As a result, the "preliminary" title can be misleading—this is the most important phase of the approval process.

A subdivision application must receive preliminary approval or disapproval within 120 days of its delivery, unless the applicant agrees to an extension. If no action is taken, the application will be deemed approved after this time period. (Note that this 120-day period differs from the usual 60-Day Rule. The 60 Day Rule at Minn. Stat § 15.99 by its terms does not apply to city subdivision regulations). The city should document all extensions in writing. If the city does not act on an application within 120 days, the applicant may demand a certificate of approval from the city. Following receipt of the certificate, the applicant may request final approval by the city as discussed below.

RELEVANT LINKS:

Minn. Stat. § 462.358, subd. 3b. LMC information memo, *Zoning Guide for Cities*, Section V-C-2-b on conducting a public hearing

Minn. Stat. § 462.358, subd. 3b. *Semler Const., Inc. v. City of Hanover*, 667 N.W.2d 457 (Minn. Ct. App., 2003). *Jordan Real Estate Services, Inc. v. City of Gaylord*, No. A08-0294, (Minn. Ct. App. April 14, 2009) (unpublished decision).

Minn. Stat. § 462.358, subd. 3b.

Minn. Stat. § 462.358, subd. 2(b). *Collis v. City of Bloomington*, 310 Minn. 5, 246 N.W.2d 19 (Minn. 1976). *Middlemist v. City of Plymouth*, 387 N.W.2d 190 (Minn. Ct. App, 1986). *Kottschade v. City of Rochester*, 537 N.W.2d 301 (Minn. Ct. App., 1995).

The city must hold a public hearing on all subdivision applications prior to preliminary approval, following publication of notice at least 10 days before the hearing.

c. 60 Days: Timelines for final plat approval

After preliminary plat approval, state statute allows the applicant to seek final approval. The final plat application must demonstrate conformance with the conditions and requirements of preliminary approval and conformance with city regulations and state and federal law (where applicable). Unlike preliminary plat approval, there is no required public hearing on the final plat.

Once an applicant has requested final approval, the city must approve or disapprove of the application in 60 days. If the municipality fails to act within 60 days, the final plat application may automatically be deemed approved.

4. Dedication requirements and park dedication fees

A subdivision ordinance may require a subdivision applicant to dedicate a reasonable portion of land within the development to the public to address infrastructure needs created by the development. Cities may require dedication of land to the public for numerous uses, including:

- Streets, roads, and alleys.
- Water, sewer, and similar facilities.
- Gas, electric, and similar facilities.
- Storm water drainage and hold areas or ponds.
- Parks, recreational facilities, and playgrounds.
- Trails and sidewalks.
- Wetlands and wetland preservation.
- Open space.

When the city requires land to be dedicated within a specific subdivision, it must determine that:

RELEVANT LINKS:

Minn. Stat. § 462.358, subd. 2b (e). Minn. Stat. § 462.358, subd. 2c. *Collis v. City of Bloomington*, 310 Minn. 5, 246 N.W.2d 19 (Minn. 1976). *Middlemist v. City of Plymouth*, 387 N.W.2d 190 (Minn. Ct. App. 1986). *Kottschade v. City of Rochester*, 537 N.W.2d 301 (Minn. Ct. App. 1995).

Minn. Stat. § 462.358, subd. 2c. *Collis v. City of Bloomington*, 310 Minn. 5, 246 N.W.2d 19 (Minn. 1976). *Middlemist v. City of Plymouth*, 387 N.W.2d 190 (Minn. Ct. App. 1986). *Kottschade v. City of Rochester*, 537 N.W.2d 301 (Minn. Ct. App. 1995).

Minn. Stat. § 462.358, subd. 2b(d).

Minn. Stat. § 462.358, subd. 2b(c).

See LMC information memo, *Subdivision Guide for Cities*.

Minn. Stat. § 462.358, subd. 2b(c).

See LMC information memo, *Subdivision Guide for Cities*.

Minn. Stat. § 462.358, subd. 2a.
See LMC information memo, *Subdivision Guide for Cities*.

- The city reasonably needs to acquire the specific portion of land for reasons permitted by state statute (e.g., streets, parks, utilities) as a result of approval of the subdivision (this is sometimes referred to as a nexus requirement).
- The need created by the subdivision is roughly proportional to the city’s dedication requirement. For example, in a five-house subdivision, it may be reasonable to require dedication of park land for a small, local swing set park. It may not be reasonable to require the same small subdivision to dedicate multiple acres for a community park serving hundreds of city residents.
- The need for the dedicated land has not already been offset or obviated by other actions of the developer in setting aside for public use other open space, recreational, or common areas, or other facilities within the development.

In lieu of land dedication for parks, recreational facilities, playgrounds, trails, wetlands, or open space, cities may require a developer to pay “cash fees” commonly referred to as “park dedication fees” and/or “trail fees” (cumulatively referred to as park dedication fees in the rest of this memo) Park dedication fees excuse a developer from a local land dedication for park and recreational purposes, but still allow the city to purchase and acquire new, off-site facilities to serve needs created by the subdivision. When a city establishes and imposes a park dedication fee, in lieu of land dedications, it must still comply with all of the requirements discussed above for land dedications related to procedure, nexus, and proportionality.

State statute requires cities to follow a specific formula for setting park dedication fees. Cities may wish to retain the services of a land appraiser, or some other professional, to help them determine the appropriate rate for their park dedication fees.

5. Required public improvements and development agreements

a. Required public improvements

The city subdivision ordinance may condition approval of an application upon the construction and installation of needed public improvements for the subdivision such as:

RELEVANT LINKS:

- Drainage facilities.
- Streets.
- Electric, gas, sewer, water, and similar utilities.

The city may require that the developer install the improvements to the city's specifications as detailed in the subdivision ordinance. For example, the city may wish to specify the width and composition of any streets installed by the developer. In addition, in order to ensure that the improvements are installed correctly and completely, the city may condition approval upon both of the following conditions:

- Providing a cash deposit, certified check, irrevocable letter of credit, bond, or some other type of financial security in an amount sufficient to ensure that the required improvements will be completed as specified.
- The signing of a development agreement between the city and the developer, which may be enforced by legal and equitable remedies in a court.

Harstad v. City of Woodbury,
916 N.W.2d 540 (Minn.
2018).

A statutory city cannot condition approval on the payment of a cash fee to the city to be used by the city for the future construction of public improvements. Such a cash fee is not considered a cash deposit or other financial security.

Cities are not required to condition approval upon developer installation of needed improvements. Cities may also install the improvement themselves. Often these cities recoup the cost through special assessments on the newly subdivided parcels.

b. Development agreements

The subdivision ordinance may provide that the city condition approval of an application on any requirements reasonably related to the city's regulations. These requirements may be reduced to a written contract known as a development agreement. Once executed, a development agreement may be enforced by all legal and equitable remedies in a court of law.

Written development agreements are the city's most important tool to enforce the expectations of the city's subdivision regulations. State law does not dictate the contents of a development agreement. However, a statutory city's authority to enter into development agreements does not include the ability to require the payment of a cash fee to the city for the future construction of public improvements.

Minn. Stat. § 462.358 subd.
2a.

See LMC information memo,
Subdivision Guide for Cities.

Harstad v. City of Woodbury,
916 N.W.2d 540 (Minn.
2018).

RELEVANT LINKS:

Minn. Stat. § 462.351.
See LMC information memo,
Zoning Guide for Cities.
See also LMC information
memo, *Zoning Decisions*.

Minn. Stat. § 462.357, subd.
1.

Minn. Stat. § 462.357, subd.
1.

See LMC information memo,
Zoning Guide for Cities.
A.G. Op. 59-A-32 (Jan. 25,
2002). *Pilgrim v. City of
Winona*, 256 N.W.2d 266
(Minn. 1977).

Since a development agreement implicates important legal rights for the city, these contracts are typically drafted with the advice and assistance of the city attorney. Development agreements are usually recorded with the county after execution (signing).

C. Zoning regulation

1. The purpose of zoning regulation

Zoning allows a city to control the development of land within the community—the type of structures that are built, the density of structures, and the uses to which the land is put. Zoning seeks to segregate and combine (where appropriate) residential, commercial, and industrial uses in order to promote the best use of land for the health and welfare of the city’s residents.

Zoning is normally accomplished by dividing the land in the city into different districts or zones and regulating the uses of land within each district. Generally, specific districts are set aside for residential uses, certain types of commercial uses, and various industrial uses. The city can also use zoning to further agricultural and open space objectives.

By creating zoning districts that separate uses, the city assures that adequate space is provided for each use and that a transition area or buffer exists between distinct and incompatible uses. Adequate separation of uses prevents congestion, minimizes fire and other health and safety hazards, and keeps residential areas free of potential commercial and industrial nuisances such as smoke, noise and light.

Zoning regulations may also constrain the types and location of structures. The regulations must be the same within each district, but may vary from district to district.

2. Procedure to adopt and amend a zoning ordinance

The Municipal Planning Act establishes a uniform and comprehensive procedure for adopting or amending and implementing a zoning ordinance. Zoning regulations can only be imposed by a local ordinance.

RELEVANT LINKS:

Minn. Stat. § 462.357, subd. 3. For info on conducting hearings, see LMC information memo, *Zoning Guide for Cities*, Section V-C-2-b.

Minn. Stat. § 462.357, subd. 3. See LMC information memo, *Newspaper Publication*.

Minn. Stat. § 462.357, subds. 2, 5.

A.G. Op. 59-A-32 (Jan. 25, 2002).

Minn. Stat. § 412.191, subd. 4. Minn. Stat. § 331A.02. Minn. Stat. § 331A.04. See Handbook, *Meetings Motions Resolutions and Ordinances*.

a. Public hearing requirements

A public hearing must be held by the council or the planning commission (if one exists) before the city adopts or amends a zoning ordinance.

(1) Notice and hearing

A notice of the time, place, and purpose of the hearing must be published in the official newspaper of the municipality at least 10 days prior to the day of the hearing.

If an amendment to a zoning ordinance involves changes in district boundaries affecting an area of five acres or less, a similar notice must be mailed at least 10 days before the day of the hearing to each owner of affected property and property situated completely or partly within 350 feet of the property to which the amendment applies. However, failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided that a genuine attempt to comply with this subdivision has been made.

Following the public hearing, the planning commission (if one exists) must review the proposed zoning ordinances and any comments from the public hearing, and make any appropriate and reasonable revisions. The planning commission must then present the zoning ordinance and any amendments in final draft form and a report to the council.

If there is no planning commission, the city council itself should review and address comments from the public hearing and make any appropriate and reasonable revisions. Zoning ordinances must be adopted by a majority vote of all of the members of the council. For example, this would mean three votes on a five-member council.

A Minnesota attorney general opinion has found that charter cities may not provide for different voting requirements in their city charter, because the Municipal Planning Act supersedes inconsistent charter provisions.

b. Publication

After adopting or amending a zoning ordinance, the council must publish or summarize it in the official newspaper.

RELEVANT LINKS:

See LMC information memo, *Zoning Guide for Cities, Section V-A, The 60-Day Rule*.

See also LMC information memo, *Taking the Mystery Out of Findings of Fact*.

Minn. Stat. § 15.99.
Manco of Fairmont v. Town Bd. of Rock Dell Township, 583 N.W.2d 293 (Minn. Ct. App. 1998).
Hans Hagen Homes, Inc. v. City of Minnetrista, 728 N.W.2d 536 (Minn. 2007).

Minn. Stat. § 15.99.

Minn. Stat. § 15.99, subd. 2(a). Minn. Stat. § 462.358, subd. 3b.
Advantage Capital Mgmt. v. City of Northfield, 664 N.W.2d 421 (Minn. Ct. App. 2003).

Minn. Stat. § 15.99, subd. 1(c).

Minn. Stat. § 15.99, subd. 3(a).

Minn. Stat. § 15.99, subd. 3(c).

3. Administering a zoning ordinance

a. The 60-Day Rule: Strict timelines for review

Most importantly in administering a zoning ordinance, cities must remember that they generally have only 60 days to approve or deny a written request relating to zoning, including rezoning requests, conditional use permits, and variances. This requirement is known as the “60-Day Rule.”

The 60-Day Rule is a state law that requires cities to approve or deny a written request relating to zoning within 60 days, or it is deemed approved. The underlying purpose of the rule is to keep governmental agencies from taking too long in deciding land use issues. Minnesota courts have generally demanded strict compliance with the rule.

(1) The scope of the rule

The rule applies to a “request related to zoning.” The courts have been rather expansive in their interpretation of the phrase “related to zoning,” and many requests affecting the use of land have been treated as subject to the law. The statute creates an exception for subdivision and plat approvals, since those processes are subject to their own timeframes. The Minnesota Court of Appeals has ruled that Minn. Stat. § 15.99 does not apply to building permits.

(2) Applications

A request must be submitted in writing on the city’s application form, if one exists. A request not on the city’s form must clearly identify on the first page the approval sought. The city may reject as incomplete a request not on the city’s form, if the request does not include information required by the city. The request is also considered incomplete if it does not include the application fee.

The 60-day time period does not begin to run if the city notifies the landowner in writing within 15 business days of receiving the application that the application is incomplete. The city must also state what information is missing.

If a city grants an approval within 60 days of receiving a written request—and the city documents this—it meets the time limit even if that approval includes certain conditions the applicant must meet. Subsequently, if the applicant fails to meet the conditions, the approval may be revoked or rescinded.

RELEVANT LINKS:

Tollefson Dev., Inc. v. City of Elk River, 665 N.W.2d 554 (Minn. Ct. App. 2003).
Matter of USS Water Town Solar LLC, No. A19-1148 (Minn. App. July 27, 2020 (unpublished opinion)).

Minn. Stat. § 15.99, subd. 2(a).

Minn. Stat. § 15.99, subd. 2(c).
Hans Hagen Homes, Inc. v. City of Minnetrista, 728 N.W.2d 536 (Minn. 2007).
Johnson v Cook County, 786 N.W.2d 291 (Minn. 2010).

Minn. Stat. § 15.99, subd. 2(b).

Minn. Stat. § 15.99, subd. 3(f).

American Tower, L.P. v. City of Grant, 636 N.W.2d 309 (Minn. 2001). *Northern States Power Co. v. City of Mendota Heights*, 646 N.W.2d 919 (Minn. Ct. App. 2002). *Matter of USS Water Town Solar LLC*, No. A19-1148 (Minn. App. July 27, 2020 (unpublished opinion)).

An applicant cannot use the revocation or rescission to claim the city did not meet the 60-day time limit.

When a zoning applicant materially amends his or her application, the 60-day period runs from the date of the written request for the amendment, not from the date of the original application. However, minor changes to a zoning request should not affect the running of the 60-day period.

(3) Denials

If an agency or a city denies a request, it must give written reasons for its denial at the time it denies the request. When a multimember governing body such as a city council denies a request, it must state the reasons for denial on the record and provide the applicant with a written statement of the reasons for denial. The written statement of the reasons for denial must be consistent with reasons stated in the record at the time of denial. The written statement of reasons for denial must be provided to the applicant upon adoption.

State statute provides that the failure of a motion to approve an application constitutes a denial, provided that those voting against the motion state on the record the reasons why they oppose the request. This situation usually occurs when a motion to approve fails because of a tie vote, or because the motion fails to get the required number of votes to pass.

(4) Extensions

The law allows a city the opportunity to give itself an additional 60 days (up to a total of 120 days) to consider an application, if the city follows specific statutory requirements. In order to avail itself of an additional 60 days, the city must give all of the following to the applicant:

- Written notification of the extension before the end of the initial 60-day period.
- The reasons for extension.
- The anticipated length of the extension.

The courts have been particularly demanding on local governments with regard to extension requirements and have required local governments to meet each element of the statute. An oral notice or an oral agreement to extend is insufficient. The reasons stated in the written notification should be specific in order to inform the individual applicant exactly why the process is being delayed. Needing more time to fully consider the application may be an adequate reason.

RELEVANT LINKS:

Minn. Stat. § 15.99, subd. 3(g).

Minn. Stat. § 15.99, subd. 3(f),(g).

Minn. Stat. § 15.99, subd. 3(d)(e).

Minn. Stat. ch. 116D.
Minn. R. ch. 4410.

Minn. Stat. § 15.99, subd. 2(a).

See LMC information memo, *Zoning Guide for Cities*, Section V-A, The 60-Day Rule.

Stodola v. City of Orono, No. C2-93-2445 (Minn. Ct. App. 1994) (unpublished decision).

As demonstrated in one Minnesota Supreme Court case, the written notification should not take the form of a blanket statement on the zoning application that the city will need the extension.

An applicant may also request an extension of the time limit by written notice. If a city receives an applicant request for an extension, the request for the extension should be thoroughly documented.

Once the city has granted itself one 60-day extension, additional extensions must be negotiated with the applicant. A city can only go beyond 120 days if it gets the approval of the applicant. The city must initiate the request for additional time in writing and have the applicant agree to an extension in writing. The applicant may also ask for an additional extension by written request.

The 60-day time period is also extended if a state statute requires a process to occur before the city acts on the application if the process will make it impossible for the city to act within 60 days. The environmental review process is an example. If the city or state law requires the preparation of an environmental assessment worksheet or an environmental impact statement under the state Environmental Policy Act, the deadline is extended until 60 days after the environmental review process is completed. Likewise, if a proposed development requires state or federal approval in addition to city action, the 60-day period for city action is extended until 60 days after the required prior approval is granted from the state or federal entity.

On occasion, a local city zoning ordinance or charter may contain similar or conflicting time provisions. The 60-Day Rule generally supersedes those time limits and requirements.

Cities should adopt a procedure or set of procedures to ensure planning staff, the planning commission, and the city council follow the 60-Day Rule. City staff should develop a timetable, guidelines, and forms (checklists for each application may be helpful) to ensure that no application is deemed approved because the city could not act fast enough to complete the review process.

b. Uses and conditional uses

A key feature of zoning ordinances is to divide areas of the city into districts and then list the permitted and conditional uses. Permitted uses are those that the zoning ordinance allows outright.

RELEVANT LINKS:

Minn. Stat. § 462.3595.
See LMC information memo,
Land Use Conditional Use Permits.

Upper Minnetonka Yacht Club v. City of Shorewood,
770 N.W.2d 184 (Minn. Ct. App. 2009).

See LMC information memo,
Zoning Guide for Cities.
See LMC information memos,
Land Use Conditional Use Permits.
Trisko v. City of Waite Park,
566 N.W.2d 349 (Minn. Ct. App. 1997).

See LMC information memo
Zoning Guide for Cities for
more information on
variances.
See LMC information memo
Land Use Variances.

Minn. Stat. § 462.357, subd. 6.

It is generally arbitrary and unlawful to deny a permit for a permitted use unless the zoning of the property is subsequently changed to prohibit that use.

Conditional uses are those activities that the zoning ordinance permits if certain conditions set forth in the city ordinance are met. The city must grant the conditional use permit (CUP) if the applicant satisfies all the conditions.

Conditional uses remain in effect indefinitely as long as the use complies with the conditions. Once issued, a CUP's conditions may not be unilaterally altered by the city, unless a violation of the CUP has occurred.

It is important to stress that conditional uses, like permitted uses, must be allowed if the applicant can prove that the application meets all of the conditions and requirements of the city's ordinance and will not be detrimental to the health, safety, and welfare of the public. As a result, the list of conditional uses should only contain uses that the city is certain should be allowed once appropriate conditions are met. Neighborhood opposition alone to a CUP does not authorize the rejection of an application for a CUP.

c. Variances

A variance is a way that a city may allow an exception to part of a zoning ordinance. It is permission from the city for a departure from strict enforcement of the ordinance as applied to a particular piece of property. A variance is generally for a dimensional standard (such as setbacks or height limits), but may not be used to allow a use that is prohibited in the particular zoning district. Essentially, a variance allows the landowner to break a dimensional zoning rule that would otherwise apply.

The law provides that requests for variances are heard by the board of adjustment and appeals. In many communities, the planning commission serves this function. Generally, the board's decision is subject to appeal to the city council.

A variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner "practical difficulties." Whether the applicant would be caused practical difficulties is determined by the statutory three-factor test for practical difficulties.

RELEVANT LINKS:

Minn. Stat. § 462.357, subd. 1e.
See LMC information memo *Zoning Guide for Cities* for more information on nonconformities.
See LMC information memo *Land Use Nonconformities*.

Minn. Stat. § 462.357, subd. 1e.

AIM Development (USA), LLC v. City of Sartell, 946 N.W.2d 330 (Minn. 2020).

If the applicant does not meet all three factors of the statutory test, then a variance should not be granted. Also, variances are only permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan.

The practical difficulties test—which is similar to the previous statutory test for “undue hardship”—consists of the following three criteria.

- The property owner proposes to use the property in a reasonable manner, but one which is not allowed by the city’s zoning ordinance.
- The landowner’s situation is due to circumstances unique to the property not caused by the landowner. Uniqueness generally relates to the physical characteristics of the particular piece of property and economic considerations alone “do not constitute practical difficulties.”
- The variance, if granted, will not alter the essential character of the locality. This factor generally contemplates whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

If a variance applicant can demonstrate the practical difficulties test is met, that the variance would be in harmony with the general purposes and intent of the zoning ordinance, and that the variance is consistent with the comprehensive plan, the city may grant the variance.

d. Legal nonconformities predating the adoption of the zoning ordinance

Legal nonconformities are those uses, structures, or lots that legally existed prior to the creation of a zoning district or adoption of a specific zoning regulation and, in recognition of the landowner’s property rights, are allowed to continue even though they are now illegal. Besides being allowed to remain in effect, legal nonconformities also escape requirements subsequently enacted, such as setback requirements. The state statute on legal nonconformities supersedes any conflicting language in a zoning ordinance.

While legal nonconformities must be allowed to continue, a zoning ordinance may prohibit them from being expanded, extended, or rebuilt in certain situations. However, nonconformities, including the lawful use or occupation of land or premises existing at the time of an amendment to the zoning ordinance, may be continued through repair, replacement, restoration, maintenance, improvement, but not including expansion, unless one of the following is true:

RELEVANT LINKS:

Ortell v. City of Nowthen,
814 NW 2d 40 (Minn. Ct.
App. 2012).

Minn. Stat. § 462.357, subd.
1e(c),(d)-(j).

See LMC information
memos, *Zoning Guide for
Cities and Subdivision Guide
for Cities*.

Minn. Stat. § 462.362.
Minn. Stat. § 169.89, subd. 2.
Minn. Stat. § 609.02, subds.
3, 4a. Minn. Stat. §
609.0332. Minn. Stat. §
609.034.

Minn. Stat. § 462.362.

*City of Minneapolis v. F and
R, Inc.* 300 N.W.2d 2 (Minn.
1980). *Rockville Tp. v. Lang*,
387 N.W.2d 200 (Minn. Ct.
App. 1986).

State v. Dorn, No. C6-98-
2001 (Minn. Ct. App. Mar,
23, 1999) (unpublished
decision).

- The nonconformity or occupancy is not used for a period of more than one year.
- Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case a municipality may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

Nonconforming shoreland lots have additional protections under state law. In addition, cities can regulate nonconforming uses and structures to maintain eligibility in the National Flood Insurance Program. State law specifically authorizes city regulation of nonconforming uses to mitigate potential flood damage or flood flow.

II. Enforcement of zoning and subdivision regulations

Cities may provide for criminal penalties for violation of a land use ordinance. In an ordinance, cities may designate ordinance violations as misdemeanors or petty misdemeanors. Cities may impose maximum penalties for misdemeanors of a \$1,000 fine or 90 days in jail, or both. In addition, the costs of prosecution may be added. The maximum penalty for a petty misdemeanor is a fine of \$300.

In many instances, criminal sanctions will not cure a land use violation. Where the city desires removal of a building or use that violates the zoning or subdivision ordinance, civil remedies may be more effective than even repeated criminal fines. A city may enforce its zoning ordinance through requesting an injunction (a court order requiring someone to stop a particular activity or type of conduct) or other appropriate remedy from the court. These remedies can be used to compel owners to cease and desist illegal uses of their property or even to tear down structures that have been built in violation of the city's land use ordinances.

A land use ordinance may provide that each day the violation exists constitutes a separate offense. Multiple citations are consistent with public policy because it would be unjust to allow individuals to pay the fine for the original charge and finish a building project without abiding by the appropriate codes and ordinances.

RELEVANT LINKS:

Swanson v. City of Bloomington, 421 N.W.2d 307 (Minn. 1988).
See LMC information memos and materials: *Taking the Mystery Out of Findings of Fact*.

Pelican Lake Prop. Owners Ass'n v. County of Crow Wing, No. C5-98-1549 (Minn. Ct. App. Aug. 17, 1999) (unpublished decision). See LMC information memos, *Zoning Decisions* and *LMCIT Liability Coverage Guide*, Section III-J *Land Use and special risk Litigation*.

SuperAmerica Group, Inc. v. City of Little Canada, 539 N.W.2d 264 (Minn. Ct. App. 1995).
Trisko v. City of Waite Park, 566 N.W.2d 349 (Minn. Ct. App. 1997).

Minn. Stat. § 462.361.
Stansell v. City of Northfield, 618 N.W.2d 814 (Minn. Ct. App. 2000).

Sunrise Lake Ass'n v. Chisago County Bd. of Comm'rs, 633 N.W.2d 59 (Minn. Ct. App. 2001).
BECA of Alexandria LLP v. County of Douglas ex rel Bd. of Comm'rs, 607 N.W.2d 459 (Minn. Ct. App. 2000).
In re Livingood, 594 N.W.2d 889 (Minn. 1999).

III. Making a record and judicial review

To avoid or minimize the costly expenses of litigation related to land use activities and land use applications, cities should always keep an accurate record of meetings, including any evidence presented; make findings of fact contemporaneously with any actions taken; and provide an opportunity for interested parties to speak. It is recommended that cities base findings of fact on the record and discuss the legal standards imposed by the city's ordinances.

A city that does not follow the procedures in its own land use ordinances or fails to document the basis for decisions risks having its decisions reversed by a court.

Councils should avoid making a decision on a land use issue based on citizen opposition alone. A decision-making body cannot use vague and speculative opinions and unsubstantiated concerns from citizens as the basis for a decision. However, expert testimony supporting the citizens' point of view may not be necessary if there is a factual basis for the opposition.

District court review of a city's land use decisions is available, but an exhaustion of the remedies provided by ordinance is first required. A person suing to challenge a city's land use decision must allege specific injuries as to how the action adversely affects the person's property rights or personal interests.

The general standard for review in all land use decisions is whether the council's action was reasonable and rationally based. If the city neglects to state reasons for an action taken on the record, the city's action may be presumed to be arbitrary and unreasonable. Similarly, if the record contains no findings by the council, the burden of proof shifts to the city to show its actions were reasonable.

RELEVANT LINKS:

Hurrle v. County of Sherburne, 594 N.W.2d 246, (Minn. Ct. App. 1999).
Minn. Stat. § 15.99. *R.A. Putnam & Assocs. v. City of Mendota Heights*, 510 N.W.2d 264 (Minn. Ct. App. 1994). *C.R. Invs., Inc. v. Village of Shoreview*, 304 N.W.2d 320 (Minn. 1981).
Honn v. City of Coon Rapids, 313 N.W.2d 409 (Minn. 1981) (holding limited by *Swanson v. City of Bloomington*, 421 N.W.2d 307 (Minn. 1988)). *Zylka v. City of Crystal*, 283 Minn. 192, 167 N.W.2d 45 (1969).

Kreuz v. St. Louis County Planning & Zoning Comm'n, No. C8-96-150 (Minn. Ct. App. 1996) (unpublished decision).

Minn. Stat. § 462.355, subd. 4.

See LMC information memos, *Zoning Guide for Cities* or *Subdivision Guide for Cities*.

Minn. Stat. § 462.355, subd. 4.

Denials and findings of fact made within a reasonable time of a decision are sufficient. For example, in complex matters a council may ask the city attorney to draft findings of fact for the council to adopt at a subsequent council meeting when a council denies a land use application. Findings must be legally sufficient and factually supported.

It is of the utmost importance that the city issue denials and adopt findings within the 60-day time limit as required by state law.

When explicit written findings are made—as to the basis and reasons for a decision—the courts respect the broad discretion cities have to make routine municipal decisions and will likely determine the decision is not arbitrary and capricious.

IV. Interim ordinances: Moratorium

Adoption of an interim ordinance (more commonly known as a moratorium) may aid cities in adopting and amending their land use ordinances, by allowing a city to study an issue without the pressure of time generated by pending applications. Cities may use a moratorium to protect the planning process, particularly when formal studies may be needed on a particular issue. Cities must follow the procedures established in state statute to initiate a moratorium, which includes the adoption of an ordinance and conducting a study.

A recent legislative change requires cities to undertake additional steps before adopting an interim ordinance that would restrict, prohibit, or regulate a housing proposal. Prior to adopting an interim ordinance regarding a housing proposal, the city must hold a public hearing. The city must provide written notice three business days prior to the hearing. Those required to receive the notice include anyone with a pending housing proposal, anyone who has submitted a housing proposal, or anyone who has requested to receive such notice. The city must also publish the notice on its website, if it has one. The hearing must be held prior to the next regular council meeting, or within ten days of the published notices.

RELEVANT LINKS:

Minn. Stat. § 462.355, subd. 4(d).
Semler Const., Inc. v. City of Hanover, 667 N.W.2d 457 (Minn. Ct. App., 2003).

Woodbury Place Partners v. Woodbury, 492 N.W.2d 258 (Minn. Ct. App. 1993).
Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency, 535 U.S. 302, 122 S. Ct. 1465 (2002).

Minn. Stat. § 412.211.
See LMC information memo *Purchase and Sale of Real Property*.

Minn. Stat. § 412.211.

Minn. Stat. § 465.035.

A.G. Op. 469-A-15 (May 15, 1967).

Minn. Stat. § 462.356, subd. 2.
Minn. Stat. § 412.221, subd. 2.

Minn. Stat. § 462.358, subd. 7.
Minn. Stat. § 412.851.
LMC information memo, *Vacation of City Streets*.

An interim ordinance or moratorium may not delay or prohibit a subdivision that has been given preliminary approval, nor extend the time for action under the 60-day rule with respect to any application filed prior to the effective date of the interim ordinance.

According to the Minnesota Court of Appeals, the use of an interim ordinance prohibiting or limiting use of land is generally not compensable if there is a valid purpose for the interim regulation. In evaluating whether an interim ordinance is a temporary taking in the nature of a regulatory taking, courts will look to the parcel as whole. There is no bright-line rule for regulatory takings; rather, they must be evaluated on a case-by-case basis.

V. Real estate acquisitions, sales, and other dispositions

Statutory cities are authorized to acquire real property within or outside their corporate limits by purchase, gift, devise, condemnation, lease, dedication, or otherwise. The law permitting the conveyance of tax-forfeited land to a city may also be used to acquire land.

Statutory cities are free to hold, manage, control, sell, convey, lease, or otherwise dispose of real and personal property as required by the city's interest.

With the council's authorization, no consideration is required when a city conveys land for the public use to another public corporation, any governmental subdivision, or the Minnesota Armory Building Commission.

Generally, a city council can decide to buy or sell property without seeking permission. The statutes do not require the council to submit the question to voters unless bonds are issued to purchase property. If a city has a comprehensive plan, it must usually notify the planning commission of the intent to purchase or sell land, and allow 45 days for comment from the planning commission.

A. Vacating easements, streets, and roads

1. Vacation by cities

When it is in the public interest to do so, cities may abandon ownership or control over all or any part of land set aside, dedicated, or used as streets or alleys. State law sets the exclusive process for a statutory city to abandon a street, road, alley, or public way.

RELEVANT LINKS:

Minn. Stat. § 412.851.

Minn. Stat. § 462.358, subd. 7.

Minn. Stat. § 412.851.

Minn. Stat. § 164.07, subd.2.

A.G. Op. 59-A-53 (Jan. 13, 1977).
Minn. Stat. § 160.29.

In re Hull, 163 Minn. 439, 204 N.W. 534 (1925).

Minn. Stat. § 505.14.
In re Verbick, 607 N.W.2d 148 (Minn. Ct. App. 2000).
LMC information memo,
Vacation of City Streets.

In statutory cities, the resolution ordering the vacation must pass by a four-fifths vote of all the members of the council. This means there must be four affirmative votes on a five-member council.

A statutory city may also vacate any publicly-owned utility easement or boulevard reserve in the same way streets or alleys are vacated by the type of city involved.

The steps for a statutory city to vacate a street or alley are as follows:

- The council may initiate the action by resolution, or a majority of property owners who abut the land to be vacated may petition for this action.
- The council must hold a public hearing on the proposal, following two weeks published and posted notice. The city must provide written notice to each affected property owner at least 10 days before the hearing.
- If the road to be vacated abuts or terminates on, or is adjacent to any public water, the city must send written notice of the petition or resolution to vacate to the commissioner of Natural Resources, by certified mail, 60 days before the date of the public hearing. In addition, the council or its designee must meet with the commissioner of Natural Resources at least 15 days before the public hearing. The commissioner will evaluate the proposed vacation according to state law, and will advise the council as to that evaluation.

When a city lawfully vacates a street, the owner of the abutting property holds title to the land in the former street (presumably to the centerline) free of easements either in favor of the public or owners of other property abutting on the street.

Cities may specify the extent to which a proposed vacation affects existing utility easements, including the right to maintain and continue utility easements.

An abutting property owner who suffers “peculiar damages” (lack of access) from the vacation of the street may be entitled to compensation. However, a property owner probably will not prevail on a claim for money against a city if the only complaint is that the person must travel further or over a poorer road due to a street vacation.

2. Vacation by courts

For streets in private and in certain platted territories, there is also a district court procedure for vacation. The street may be vacated only if it is useless for its original purpose.

RELEVANT LINKS:

See LMC information memo *Acquisition and Maintenance of City Streets*. *Bengtson v. Village of Marine on St. Croix*, 246 N.W.2d 582 (Minn 1976). *In re Maintenance of Road Areas Shown on Plat of Suburban Estates*, 250 N.W.2d 827 (Minn., 1977). Minn. Stat. § 161.16 subd. 4(b). A.G. Op. 377-A-4 (August 31, 1959). A.G. Op. 396-G-4 (Sept 10, 1957). A.G. Op. 377-A-4 (June 17, 1957). A.G. Op. 396-G (July 28, 1955). A.G. Op. 396-G-1 (August 22, 1949). A.G. Op. 396-G-7, (June 19, 1946). *J&W Asphalt, Inc. v. Belle Plaine Township*, 883 N.W.2d 827 (Minn. Ct. App. 2016).

See LMC information memo, *Acquisition and Maintenance of City Streets*.

The courts broadly construe the terms “useless” and “purpose.” Merely showing the street is not presently used is insufficient to show uselessness. Before a court may grant an application, the mayor of the city must receive personal notification of the application at least 10 days before the court intends to hear the application. If the road to be vacated abuts or terminates on, or is adjacent to any public water, the commissioner of Natural Resources must be notified well in advance and has a right to intervene in the court proceedings.

B. Establishing streets, roads, and cartways

1. City streets and roads

The decision to acquire, construct, and open a city street is vested solely with the city council. With the exception of a newer law related to cartways for inaccessible properties discussed below, in statutory cities there is no method, via petition or otherwise, by which a citizen or group of citizens can directly compel a city to acquire or construct a street. However, the Commissioner of the Minnesota Department of Transportation may convey to a city all or part of the right-of-way of the existing road that is no longer a part of the trunk highway. A Minnesota Court of Appeals decision determined that no resolution by a local government accepting a conveyance from the commissioner was necessary for the conveyance to be effective.

The decision to acquire or construct a street is a legislative decision of the city council. This means that as long as the city’s reasoning is neither arbitrary, capricious, nor based upon an erroneous reading of the law, the courts will not overrule the city’s decision on the issue. The city alone may choose the best time to open, occupy, and use city streets.

Mere notation of a street on an accepted and recorded plat will not require the city to open a street. Instead, the plat simply reserves the dedicated land for future use.

Cities may acquire land for streets in a variety of ways including outright purchase through negotiation, dedication (on a plat or otherwise), eminent domain, and other statutory processes.

RELEVANT LINKS:

Minn. Stat. § 435.37. Minn. Stat. § 164.07.

Minn. Stat. § 465.01.
Minn. Stat. § 117.012.
Minn. Stat. ch. 117.

Kelo et al v. City of New London, et al., 545 U.S. 469, 125 S. Ct. 2655 (2005).

Minn. Stat. ch. 117.

2. Cartways

Cities must establish a road in certain situations. A property owner who has limited access to their land may petition the city council to connect the land to a public road. If the petition fits the following criteria, the city council must establish a cartway (a road or driveway) connecting the petitioner's land to a public road:

- The tract of land is five acres or more.
- The owner has no access except over a navigable waterway or over the land of others.
- The current access is less than two rods in width.

The city council may select an alternative route to the one proposed by the applicant for the cartway in some situations. Generally, the petitioner must pay all costs associated with establishing and maintaining the cartway, including paying any "damages" to adjacent landowners whose property will be used for the new cartway.

C. Eminent domain

1. Background

All cities have the authority to take (or condemn) private property for public use as long as they pay the landowner reasonable compensation. Essentially, this is a way to require that an owner sell his or her land to a city. This procedure requires a formal court action, and a city must pay an owner for the value of the land or the damages to the land - if the city is taking only part of the private property, such as for an easement.

In the 2005 case, *Kelo v. City of New London, Conn.*, the United States Supreme Court held that taking property for economic development is a valid public purpose and that if a city seeks to exercise its power of eminent domain for economic development purposes, it should do so in furtherance of an economic development plan.

a. Public use and public purpose

In response to the *Kelo* decision, the Minnesota Legislature passed extensive legislation restricting a city's power of eminent domain and increasing compensation to owners.

The law preempts all other condemnation procedures for charter and statutory cities (except for drainage, town roads and watershed districts). It narrows the definition of "public use" and "public purpose" to:

RELEVANT LINKS:

- The possession, occupation, ownership, and enjoyment of the land by the general public, or by public agencies.
- The creation or functioning of a public service corporation (for example, a municipal or private utility).
- The mitigation of a blighted area, remediation of an environmentally contaminated area, reduction of abandoned property, or removal of public nuisances.

In contrast, the public benefits of economic development, including an increase in tax base, tax revenues, employment, or general economic health, do not by themselves constitute a public use or public purpose.

Minn. Stat. § 117.025, subd. 6.

Cities may still use condemnation to alleviate a blighted area; however “blighted area” is now more narrowly defined as an area in urban use where half of the buildings are structurally substandard.

Minn. Stat. § 117.025, subd. 7.

To be considered “structurally substandard,” a building must meet all of the following criteria:

- The building has been inspected and cited for enforceable housing, maintenance, or building code violations.
- The building code violations involve specific structural aspects of the building (e.g., roof, support walls and beams, foundation, internal utilities).
- The cited violations have not been remedied after two notices to cure noncompliance.
- The cost to cure the violations is more than 50 percent of the estimated market value for the building (excluding land value).

The law gives local government the authority to seek an administrative search warrant to enter and inspect a building if there is a reasonable suspicion that all of the following are true:

- The property violates a specific section of a housing maintenance or building code.
- The violation is ongoing.
- The owner denies the local government access to the property.
- Cities may use recent fire or police inspections, housing inspections, and exterior indications of deterioration as evidence to support their suspicions that a building is structurally substandard.

Minn. Stat. § 117.027, subds. 1, 2.

The law prohibits taking non-structurally substandard buildings and uncontaminated parcels unless there is no other reasonable way to remedy blight or contamination in the area—and all possible steps are taken to minimize the taking of such buildings or lands.

RELEVANT LINKS:

Minn. Stat. § 117.025.

Minn. Stat. § 117.041, subd. 3.

Minn. Stat. § 117.0412.

Minn. Stat. § 117.226.

In re Wren, 699 N.W.2d 758 (Minn. 2005) distinguished by *Instant Testing Co. v. Community Security Bank*, 715 N.W.2d 124 (Minn. Ct. App. 2006).

42 U.S.C.A. §§ 4601-4655.

The law also specifically defines other terms (owner, environmentally contaminated areas, abandoned property and public nuisance). Additional resources are available on these legal terms as well as the legal standards a city must meet when condemning private property.

To establish findings related to blight and contamination, the city may need to conduct geotechnical investigation. State statute permits a city to enter private property prior to commencing eminent domain proceedings in order to investigate, survey, and test the site and subsurface conditions. Prior to this entry, the city must provide the landowner at least 10 days advance notice. If the landowner refuses entry, the city must obtain a court order to enter the property.

b. Procedural changes

All land acquisitions must follow the process the state uses to take land for transportation purposes—and the law also modifies those processes, including but not limited to:

- Requiring exchange of appraisals.
- Requiring timely exchange of specific documents between the parties.

The law includes a requirement for a public hearing before a city can condemn property to mitigate a blighted area, remediate an environmentally contaminated area, reduce abandoned property, or remove a public nuisance. In concert with the hearing requirements are notice requirements. The law requires that cities make specific findings as to public costs, if any, and public purposes during the process.

If a city determines that property acquired through eminent domain is no longer needed for a public purpose, the city must offer to sell the property back to the person it was acquired from at the original price or the current fair market value, whichever is lowest. (The Minnesota Department of Transportation is exempt from this “right of first refusal” requirement).

c. Relocation costs

Both state and federal law protect property owners and tenants who are required to move because of eminent domain proceedings; cities, or condemning authorities, must pay relocation costs for the people who must move. In some limited circumstances, owner-occupants may waive relocation benefits.

If a city receives federal funding for a project that involves the use of eminent domain, federal law requires that the city pay certain benefits to people who must move from their homes, farms, or businesses as a result of the project.

RELEVANT LINKS:

Minn. Stat. § 117.52, subd. 1(a).

Minn. Stat. § 117.52, subd. 4.

Minn. Stat. § 117.031.

Minn. Stat. § 117.186.

U. S. Const. Amend. V.
Minn. Const. art. I § 13.

Lucas v. South Carolina Coastal Council, 505 U.S. 1003, 112 S. Ct. 2886 (1992).

Lucas v. South Carolina Coastal Council, 505 U.S. 1003, 112 S. Ct. 2886 (1992).

Minnesota law also requires payment of relocation benefits when eminent domain is used, even if no federal funding is involved. The nature and amount of these benefits is the same as if federal funds were involved. The maximum that a city must pay to a relocated business is \$50,000 of eligible expenses.

If a person must relocate but does not accept the city's determination of the amount of relocation assistance or the city's denial of relocation assistance eligibility, state law requires that a city must seek resolution using state contested case procedures and an administrative law judge.

d. Court and compensation costs

If a person challenges a city's condemnation proceeding or amount in court, and prevails, the court may – and in some situations must – award the person's court costs and attorney fees. State law contains numerous provisions relating to compensation for losses, including but not limited to:

- Going concern compensation.
- Minimum compensation.
- Acceptance of replacement properties.
- Loss of a nonconforming use.
- Loss of driveway access.

The use of eminent domain is controversial and complex. A city council considering the use of eminent domain should consult with the city attorney well before using this tool for land acquisition.

VI. The “takings” issue

A. The general law

Both the U.S. Constitution and the Minnesota Constitution forbid the taking of private property for public use without just compensation.

Traditional “takings” prevent the government from physically occupying private property without just compensation. The U.S. Supreme Court has also decided that government regulation (without physical occupation) of a property may, in some circumstances, also give rise to a claim that a taking has occurred. Zoning and land use regulations on property may be considered takings if the regulations go too far. In determining whether a regulation goes too far, the United States Supreme Court has recognized two distinct classes of regulatory takings:

- Categorical takings, in which the regulation denies all economically beneficial or productive use of land.

RELEVANT LINKS:

Penn Cent. Transp. Co. v. City of New York, 438 U.S. 104, 98 S. Ct. 2646 (1978).
Wensmann Realty, Inc. v. City of Eagan, 734 N.W.2d 623 (Minn. 2007).

McShane v. City of Faribault, 292 N.W.2d 253 (Minn. 1980).
DeCook v. Rochester Intl. Airport Joint Zoning Board, 796 N.W.2d 299 (Minn. 2011).

Olsen v. City of Ironton, No. C599945 (Minn. Ct. App. Apr. 17, 2001) (unpublished decision).

Alevizos v. Metropolitan Airports Comm'n, 298 Minn. 471, 216 N.W.2d 651 (1974).
Grossman Invs. v. State by Humphrey, 571 N.W.2d 47 (Minn. Ct. App. 1997).
Minnesota Sands, LLC v. County of Winona, 940 N.W.2d 183 (Minn. 2020).
Minn. Stat. ch. 117.

Northern States Power Co. v. Minnesota Metro. Council, 684 N.W.2d 485 (Minn. 2004).
Johnson v. City of Minneapolis, 667 N.W.2d 109 (Minn. 2003).
See Part V of this chapter for more on *eminent domain*.

42 U.S.C. § 1983.

Knick v. Township of Scott, 139 S. Ct. 2162 (2019).

Nordmarken v. City of Richfield, 641 N.W.2d 343 (Minn. Ct. App. 2002).

Handbook, *The Home Rule Charter City*.

- Case-specific regulatory takings, which involve consideration of the economic impact of the regulation, the interference with reasonable investment-backed expectations, and the character of the regulation.

The Minnesota Supreme Court has recognized a third class of takings that may occur when the government adopts a land use regulation designed to benefit a specific public or governmental enterprise.

If the regulation is enacted for the benefit of a government enterprise (airport zoning, for example), the government must compensate the landowners whose property has suffered a substantial and measurable decline in market value as a result of the regulations.

When the government has taken property without formally using its eminent domain powers, the property owner has a cause of action for inverse condemnation under the eminent domain laws. Those with less than ownership, such as lessees, may have claims as well, as long as the interest is not contingent or speculative.

Inverse condemnation is an action against a governmental defendant to recover the value of property that has been taken in fact by the government defendant, even though no formal exercise of the statutory power of eminent domain has been attempted by the taking agency.

Money damages may also be available under a claim that the taking violates a person's constitutional rights.

A property owner with a takings clause claim may proceed directly to federal court without first attempting to obtain just compensation available in state courts.

VII. How this chapter applies to home rule charter cities

The Municipal Planning Act and the Metropolitan Land Planning Act occupy the field of the process by which municipal land use laws are finally approved or disapproved, and preempt the power of referendum reserved in a city's home rule charter. For the most part, Minnesota land use law governs home rule charter cities just as it does statutory cities. Some charters contain provisions for the acquisition and disposition of real property as well as the opening and vacation of city streets.

RELEVANT LINKS:

As a result, best practice suggests charter cities seek legal advice as to real property transactions and street opening and vacation.

ATTACH. 4

§1303.130 "B-2", LIMITED BUSINESS DISTRICT

Subd. 1. Purpose. The purpose of the "B-2", Limited Business District is to provide for low intensity retail or service outlets which deal directly with the customer for whom the goods or services are furnished. The uses allowed in this district are to provide goods and services on a limited community market scale and are to be located only in areas which are well served by collector or arterial street facilities at the edge of residential districts.

Subd. 2. Permitted Uses. The following are permitted uses in a "B-2" District:

- a) All permitted uses allowed in a "B-1" District.
- b) Art and school supplies.
- c) Bakery goods and baking of goods for retail sales on the premises.
- d) Bank, savings and loan, savings credit unions and other financial institutions.
- e) Bicycle sales and repair.
- f) Candy, ice cream, popcorn, nuts, frozen deserts and soft drinks.
- g) Camera and photographic supplies.
- h) Clothing stores.
- i) Commercial (leased) and professional offices.
- j) Delicatessen.
- k) Dry cleaning pick-up and laundry pick-up stations including incidental repair and assembly but not including processing.
- l) Drugstore.
- m) Florist shop.
- n) Frozen food store, but not including a locker plant.
- o) Funeral home. (Ref. Ord. 14-05-1091, 5/13/14)
- p) Gift or novelty store.
- q) Grocery, fruit or vegetable store but not including sales from moveable, motorized vehicles.
- r) Grocery, supermarket.
- s) Hardware store.

§1303.130

ZONING CODE

§1303.130

- t) Hobby store, including handicraft and other instructional classes. (Ref. Ord. 10-1-1063, 1/12/10)
- u) Home accessories and furnishings, including furniture repair and painting when proper fire suppression and ventilation is provided (spray booths only when in a single-tenant building). (Ref. Ord. 14-05-1091, 5/13/14)
- v) Ice sales with storage not to exceed five (5) tons.
- w) Insurance sales.
- x) Liquor, off-sale.
- y) Locksmith.
- z) Meat market but not including processing for locker plant.
- aa) Medical and dental offices and clinics and professional offices. (Ref. Ord. 10-1-1063, 1/12/10)
- bb) Paint and wallpaper sales.
- cc) Plumbing, television, radio, electrical sales and such repair as are accessory use to the retail establishments permitted within this district.
- dd) Public utility collection offices.
- ee) Public garage.
- ff) Real estate sales.
- gg) Resale business where the stock of goods is primarily used and donated, including consignment and thrift shops but not including pawn shops.
- hh) Shoe repair.
- ii) Sporting goods establishment and bait shops. (Ref. Ord. 1091, 5/13/14, Ref. Ord. 16-07-2012, 7/12/16)

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses in a "B-2" District:

- a) All permitted accessory uses allowed in a "B-1" District.

Subd. 4. Conditional Uses. The following are conditional uses allowed in a "B-2" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) Public regulated utility buildings and structures necessary for the health, safety and general welfare of the community, provided that:

- 1) Conformity with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.
 - 2) Equipment is completely enclosed in a permanent structure with no outside storage.
 - 3) Adequate screening and landscaping from neighboring residential districts is provided in accordance with Section 1302.030, Subd. 7.a) of this Code.
- b) Commercial Planned Unit Development (PUD) as regulated by Section 1301.070 of this Code:
- 1) Self-serve car washes are permitted as a part of this PUD provided that the facility complies with the following performance standards:
 - a. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
 - b. Stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period and shall be subject to the approval of the City Planner.
 - c. At the boundaries of residential districts, a buffer zone not less than twenty (20) feet in width shall be designed to include the following: An opaque wooden or masonry fence of at least eight (8) feet in height; a planting strip which includes a combination of deciduous trees to provide added screening above the fence line and evergreens to provide enhanced noise buffer as needed; an earthen berm may also be required to reduce noise and improve screening. The screening buffer plan shall be subject to City Council approval. Said plan shall comply with the City's landscape ordinance, Section 1302.030, Subd. 7.
 - d. Each light standard island and all islands in the parking lot landscaped or covered.
 - e. Parking or car stacking space shall be screened from view of abutting residential districts in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - f. The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the City Engineer.
 - g. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
 - h. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 1302.030, Subd. 9 of this Code.

- i. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.
 - j. All signing and information or visual communication devices shall be in compliance with the White Bear Lake sign ordinance.
 - k. Provisions are made to control and reduce noise.
 - l. The provisions of Section 1301.050, Subd. 2.e) of this Code are considered and satisfactorily met.
 - m. Said car wash shall not exceed three (3) service bays and further not exceed thirty-five percent (35%) of the gross commercial floor area building area within the PUD.
 - n. The hours of operation shall be limited to 7:00 A.M. to 9:00 P.M. daily.
- c) Indoor commercial recreation facilities.
 - d) Restaurants, cafes, on-sale liquor.
 - e) Commercial businesses which are defined as a permitted or conditional use in this district abutting residentially zoned land provided that: (Ref. Ord. No. 794, 10/24/89; 813, 4/10/90; 827, 1/08/91)
 - 1) Deliveries and/or delivery truck access of site during the hours of 10:00 P.M. to 6:00 A.M., will be limited to single unit, two-axle vehicles not in excess of 26,000 pounds gross vehicle weight (GVW). In the event that said vehicles making deliveries during the hours between 10:00 P.M. and 6:00 A.M. establish a pattern of violating the City of White Bear Lake's noise ordinance, §703.070, and amendments thereto, after ten (10) days written notice to the property owner and after a hearing before the City Council, the City Council, in its discretion, by resolution, including specific findings of fact establishing such a pattern of violating said noise ordinance, may further restrict deliveries to the property, but such restriction shall not be more stringent than necessary to assure compliance with the noise ordinance. The City may only use violations of the noise ordinance which it gave previous notice of to the property owner. (Ref. Ord. No. 813, 4/10/90)
 - 2) No building, loading dock or loading berth shall set within fifty (50) feet of residentially zoned property.
 - 3) The business or industry will provide a screening/buffer zone along the boundary of the residential property. The screening/buffer zone shall be at least twenty (20) feet in width and shall be designed to include all of the following: An opaque wooden or masonry fence of at least eight (8) feet in height; a planting strip which includes a combination of deciduous trees to provide added screening above the fence line and evergreens to provide enhanced noise buffering as needed; an earthen berm may also be required to reduce noise and improve screening. The screening/buffer plan shall be subject to City Council approval.

- 4) All lighting shall be equipped with sharp cut-offs with concealed luminaries. Pole heights shall not be higher than twenty-five (25) feet, except no pole higher than twelve (12) feet shall set closer to residentially zoned land than fifty (50) feet. Where backs of stores and/or loading docks are immediately adjacent to residentially zoned land, wall packs, mounted not higher than ten (10) feet, shall be used instead of poles where possible. The lighting plan shall be subject to approval by the City Council.
- 5) Said businesses' operations and deliveries shall not disturb the peace and repose of adjacent residences as outlined in the City of White Bear Lake noise ordinance §703.070. No use of forklifts shall take place out of doors within one hundred fifty (150) feet of residentially zoned property.
- 6) The above outlined requirements are minimum requirements. The City Council may impose additional standards as are deemed necessary to promote compatibility between land uses. (Ref. Ord. 794, 10/24/89; 813, 4/10/90)
- f) Garden supply stores. (Ref. Ord. 943, 4/8/97)
- g) Buildings less than 1,000 square feet, per Section 1302.040, Subd. 6. (Ref. Ord. 10-1-1063, 1/12/10)

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in a "B-2" District, subject to additional requirements, exceptions and modifications set forth in this Code.

- a) Lot Area - None.
- b) Lot Width - Not less than one hundred (100) feet.
- c) Setbacks:
 - 1) Front yards: Not less than thirty (30) feet.
 - 2) Side yards: Not less than ten (10) feet, nor less than thirty (30) feet on a side yard abutting a street. (Ref. Ord. 813, 4/10/90)
 - 3) Rear yards: Not less than thirty (30) feet. (Ref. Ord. No. 813, 4/10/90)

Subd. 6. Building Requirements.

- a) Height. No structure shall be taller than three (3) stories, not to exceed thirty-six (36) feet, except as provided in Section 1302.040, Subd. 3 of this Code.
- b) Minimum Floor Area. Commercial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a conditional use permit as provided for in Section 1301.050 of this Code.
- c) Exterior Building Materials. This section identifies permitted building materials to be used in commercial building construction which are durable and long lasting. By identifying permitted building materials, high quality development is achieved in both visual and functional terms.

- 1) All exterior wall finishes shall be of consistent quality limited to one or a combination of the following:
 - a. Face brick;
 - b. Natural stone;
 - c. Decorative concrete block which is colored by pigment impregnated throughout the entire block;
 - d. Cast in place concrete or pre-cast concrete panels which are colored by pigment impregnated throughout the entire panel per approval of an architectural treatment by the Zoning Administrator;
 - e. Stucco;
 - f. Wood, provided the surfaces are finished for exterior use;
 - g. Curtain wall panels of steel, fiberglass and aluminum, provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are corrosion resistant. The gross building wall area of this type shall be limited to no more than fifty (50) percent of the aggregate wall area excluding window and door areas;
 - h. Glass;
 - i. Decorative painted concrete block shall be permitted on any building wall not visible from a public right-of-way.
- 2) All subsequent additions and exterior alterations to non-conforming buildings must be constructed with the materials required in this ordinance if the addition or alteration exceeds twenty-five (25) percent of the floor area of the original non-conforming structure.
- 3) Accessory buildings constructed after the erection of the original building or buildings shall be constructed of materials comparable to those used in the principal building and shall be designed in a manner conforming to the architectural and general appearance.
- 4) The following exterior building materials are prohibited:
 - a. Face materials which rapidly deteriorate or become unsightly such as galvanized metal;
 - b. Unfinished structural clay tile and metal panels not factory finished with a permanent surface;
 - c. Buildings comprised exclusively of metal, pole buildings, sheet metal, plastic or fiberglass siding unless such siding is a component of a factory fabricated and finished panel;
 - d. Unadorned and/or painted concrete block. (Ref. Ord. 884, 2/9/93)

ATTACH. 5

§1301.050 CONDITIONAL USE PERMITS.

Subd. 1. Purpose. The purpose of a conditional use permit is to provide the City of White Bear Lake with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety. In making this determination, whether or not the conditional use is to be allowed, the City may consider the nature of the adjoining land or buildings, the effect upon traffic into and from the premises, or on any adjoining roads, and all other or future factors as the City shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.

Subd. 2. Procedure.

- a) Request for conditional use permits, as provided within this Code, shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee of four hundred (\$400.00) dollars. A request for an amendment to an existing conditional use permit shall have a fee of two hundred (\$200.00) dollars. Such application shall be accompanied by five (5) copies of detailed written and graphic materials fully explaining the proposed development or use and a list of property owners located within three hundred fifty (350) feet of the subject property obtained from and certified by a title company, or obtained from the County in which the property lies, the City, or other source approved by the City. The request for a conditional use permit or significant amendment shall be placed on the agenda of the first possible Planning Commission meeting occurring after twenty (20) days from the date of submission. The request shall be considered as being officially submitted when all the information requirements are complied with. (Ref. Ord. 984, 3/13/01; 01-04-1015, 1/13/04, Ref. Ord. 08-01-1047, 1/8/08)
- b) Upon receipt of said application, the City Clerk shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description and description of requests, and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350) feet of the boundary of the property in question.
- c) Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Code.
- d) The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Planning Commission and City Council.
- e) The Planning Commission shall consider possible adverse affects of the proposed conditional use. Its judgment shall be based upon (but not limited to) the following factors:
 - 1) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Land Use Plan and all other plans and controls.
 - 2) The proposed use is or will be compatible with present and future land uses of the area.
 - 3) The proposed use conforms with all performance standards contained herein.
 - 4) The proposed use will not tend to or actually depreciate the area in which it is proposed.

- 5) The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
- 6) Traffic generation by the proposed use is within capabilities of streets serving the property.
- f) The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Code.
- g) The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request.
- h) The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of the Code. Such recommendation shall be in writing and accompanied by the report and recommendation of the City staff.
- i) The City Council shall not act upon a conditional use permit request until they have received a report and recommendation from the Planning Commission and the City staff or until sixty (60) days after the first regular Planning Commission meeting at which the request was considered.
- j) Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- k) Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact and may impose any condition it considers necessary to protect the public health, safety and welfare.
- l) The City Council shall consider possible affects of the proposed conditional use and make a finding of fact. Its evaluation and findings shall be based upon (but not limited to) the following factors:
 - 1) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.
 - 2) The proposed use is or will be compatible with present and future land uses of the area.
 - 3) The proposed use conforms with all performance standards contained herein.
 - 4) The proposed use will not tend to or actually depreciate the area in which it is proposed.
 - 5) The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
 - 6) Traffic generation by the proposed use within capabilities of streets serving the property.
- m) Approval of a request shall require passage by a majority vote of the City Council.

- n) Whenever an application for a conditional use permit has been considered and denied by the City Council, a similar application for the conditional use permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by not less than three-fifths (3/5) vote of the full City Council.

Subd. 3. Information Requirement. The information required for all conditional use permit applications generally consists of the following items, and shall be submitted when requested by the City.

- a) Site Development Plan:
- 1) Location of all buildings on lots including both existing and proposed structures.
 - 2) Location of all adjacent buildings located within three hundred fifty (350) feet of the exterior boundaries of the property in questions.
 - 3) Location and number of existing and proposed parking spaces.
 - 4) Vehicular circulation.
 - 5) Architectural elevations (type and materials used in all external surface).
 - 6) Location and type of all proposed lights.
 - 7) Curb cuts, driveways, number of parking spaces.
- b) Dimension Plan:
- 1) Lot dimensions and area.
 - 2) Dimensions of proposed and existing structures.
 - 3) "Typical" floor plan and "typical" room plan.
 - 4) Setbacks of all buildings located on property in questions.
 - 5) Proposed setbacks.
 - 6) Sanitary sewer and water plan with estimated use per day.
- c) Grading Plan:
- 1) Existing contour.
 - 2) Proposed grading elevations.
 - 3) Drainage configuration.
 - 4) Storm sewer catch basins and invert elevations.

- 5) Spot elevations.
- 6) Proposed road profile.
- d) Landscape Plan:
 - 1) Location of all existing trees, type, diameter, and which trees will be removed.
 - 2) Location, type and diameter of all proposed plantings.
 - 3) Location and material used of all screening devices.
- e) Legal description of property under consideration.
- f) Proof of ownership of the land for which a conditional use permit is requested.
- g) Any other information as the City may reasonably require.

Subd. 4. Lapse of Conditional Use Permit by Non-Use. Whenever within one (1) year after granting a conditional use permit, the use as allowed by the permit shall not have been completed or utilized, then such permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use that has been granted by the City. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. Such petition may be acted upon by the Zoning Administrator or forwarded to the City Council at the administrator's discretion. (Ref. Ord. 08-01-1047, 1/8/08)

Subd. 5. Security of Performance.

- a) Except in the case of non-income producing residential property, upon approval of a conditional use permit, the City, where deemed necessary, may require a surety bond, cash escrow, certificate of deposit, securities, irrevocable letter of credit, or other financial guarantee approved by the City, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall be non-cancellable and shall guarantee conformance and compliance with the conditions of the conditional use permit and the Code of the City.
- b) The security shall be in the amount equal to one hundred twenty-five (125) percent of the City Engineer's or City Building Official's estimated costs of labor and materials for the proposed improvements or development. Said project may be handled in stages upon the discretion of the City Engineer and Building Official.
- c) The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditional use permit and Code of the City has been issued by the City Building Official.
- d) Failure to comply with the conditions of the conditional use permit or the Code of the City shall result in forfeiture of the security.

Subd. 6. Enforcement and Revocation.

- a) In addition to other remedies provided in this Code or at law, failure to comply with any condition set forth in a conditional use permit, or any other violation of this Section, shall be a misdemeanor.

- b) In addition to any other remedies provided for in this Code or at law, failure to comply with any condition set forth in a conditional use permit or any other violation of this Section, shall also constitute sufficient cause for termination of the conditional use permit by the City Council following a public hearing. Written notification of said public hearing shall be mailed at least ten (10) days prior to said hearing to the current holder of the conditional use permit. Such notice should outline the violation(s) considered by the City to be grounds for revocation and inform the current holder of the conditional use permit of the opportunity to be heard at such public hearing. (Ref. Ord. 716, 4/8/86)

ATTACH. 6

To: Samantha Crosby, Planning and Zoning Coordinator
City of White Bear Lake

From: John Shardlow, Senior Principal
Stantec

Date: January 11, 2021

File: Land Use Application for Firearms Range and Associated Retail Sales Operation

Reference: Zoning Memorandum - 4350 Centerville Road, White Bear Lake

Zoning Analysis

Background:

The applicant proposes to open an indoor firearms range with an associated retail sales operation at the property located at 4350 Centerville Road, White Bear Lake, MN 55127. The site is currently a one-story, approximately four thousand (4,000) square-foot building located in the City's B-W Business/Warehousing District. The applicant proposes to construct a facility with the following uses: indoor firearms range, retail, classroom, office and storage. The applicant has retained Stantec to conduct a zoning analysis of the proposed use of the property.

Applicant Name: Brian Kroonblawd

Property Address: 4350 Centerville Road, White Bear Lake, MN 55127

Legal Description: Lot 3 Block 1, New Bedford Addition, PID # 213022130027

Current Zoning: B-W Business/Warehousing District

2040 Comprehensive Plan Guided Land Use: Business Park

Proposed Use of Property: Indoor firearms range with associated retail sales operation

Adjacent Property Use:

North: B-W Business/Warehousing District (light industrial building)

East: I-35E

South: B-W Business/Warehousing District (light industrial building and vacant land)

West: Centerville Road and Vadnais Heights

Property size: 2.215 acres

Proposed facility size: 12,081 square feet

Analysis of Proposed Uses

The proposed use as an indoor firearms range is allowed as a "permitted use" within the B-W zoning district as stated in Zoning Code Section 1303.180 subd. 2(o) "The following are permitted uses in a 'B-W' District: Commercial recreation facilities (indoor only) limited to firearms and archery ranges..." Permitted uses are defined in City Code as "a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts" per Section

1301.030 subd. 16. It is Stantec's analysis that the proposed principal use of a firearms range meets the code requirements of a "permitted use" within the B-W district.

The proposed retail use of apparel, ammunition and firearm sales is allowed as a conditional use within the B-W zoning district, as confirmed by the October 25, 2019 from City Attorney Troy Gilchrist. The list of conditional uses in City Code § 1303.180 subd. 4 includes:

c) Accessory enclosed retail, rental service activity other than that allowed as a permitted use or conditional use within this Section, provided that:

1) Such use is allowed as a permitted use in a "B-1" or "B-2" District

The memo from the City Attorney dated October 25, 2019 confirms that the Retail Pro Shop qualifies as a sporting goods establishment, which is a permitted use allowed in the B-2 District per City Code §1303.130 subd. 2. Based on this information, the Applicant's planned enclosed retail operation for sporting goods is a conditionally permitted use in the B-W District.¹

2) Such use does not constitute more than thirty (30) percent of the lot area and not more than fifty (50) percent of the gross floor area of the principal use.

The area of the retail space is 2200 square feet, while the total lot area is 2.215 acres or 96,385 square feet. Given this information, the retail space constitutes roughly 2.3 percent of the overall lot area. The allowed floor space for the retail sales use is based off the gross floor area of the range, which is the principal use. The total gross floor area of the range is roughly 7,800 square feet. The retail space is calculated to be roughly 28 percent of the principal use, less than the 50 percent maximum allowed.

3) Adequate off-street parking and off-street loading in compliance with the requirements of Sections 1302.050 and 1302.060 of this Code is provided.

Parking requirements have been calculated per City Code §1302.050 and are shown on the Architecture Site Plan A040, and included in the diagram in Figure 1 below. Calculations show a required 61 parking spaces for all retail, office, storage, range and private club space. The applicant proposes to construct 63 regular parking spaces and 3 ADA accessible parking spaces for a total of 65 spaces, exceeding the required 61 parking spaces needed.

¹ Stantec analysis included in italics

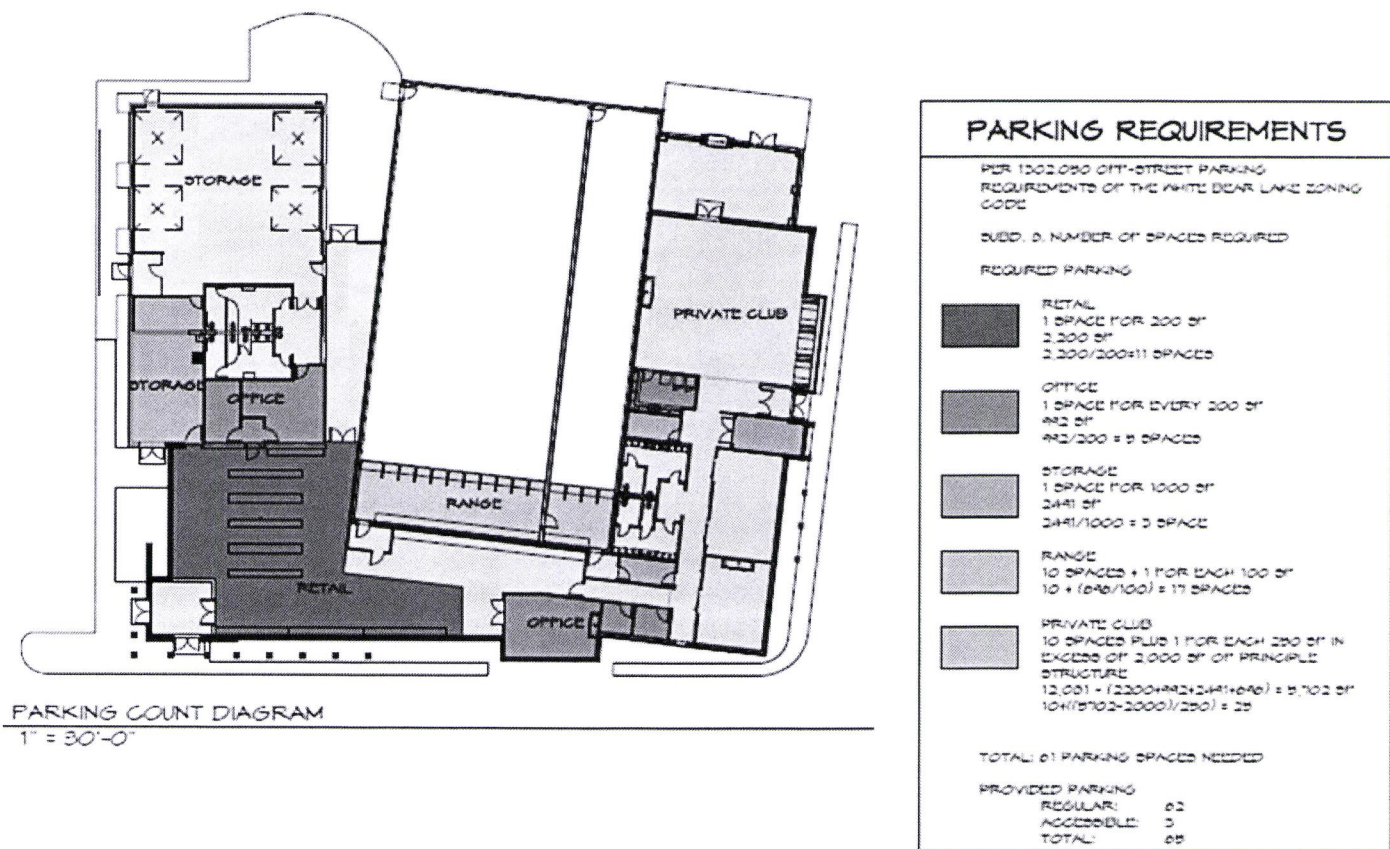


Figure 1. Parking Diagram

The applicant is not proposing any changes to the off-street loading at this property. Off street loading of merchandise will be managed through an existing off-street loading dock on the south side of the building.

- 4) All signing and information or visual communication devices shall be in compliance with the White Bear Lake Sign Code.

Code §1202 provides requirements for signage. The applicant proposes two types of signage, a monument sign at the entrance to the property, and a wall sign affixed to the building. The City Code defines monument sign as "any freestanding sign with its sign face mounted on the ground or mounted on a base that is at least as wide and which has a maximum height of 10 feet." The monument sign is shown in the document A310 Sign and Elevation Details. Per City Code §1202 Subd. 2 B, one Freestanding Monument Signs is permitted per property within the B-W zoning district. The sign may not exceed 35 square feet per side, must be architecturally compatible with the principal building, may be no more than 10 feet in height, and must be placed 10 feet from any driveway or property line. The base of the sign must be landscaped with a mulch shrub and perennial bed. The sign that the applicant proposes is 35 square feet in area and 6 feet tall measured from grade. The sign will be located in an existing sign island near Centerville Road on the west side of the property. The exact location is shown in the Architectural Site Plan. The sign is architecturally similar to the principal building, with a stone base, concrete matching the building color and finish, and metal cut signage. The applicant will work with the City to ensure that the exact placement and landscaping around the base of the sign conforms with City requirements.

City Code §1202 also provides requirements for wall signs, which are defined in the City Code as "any building sign attached parallel to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall or building or structure, which is supported by such wall or building, and which displays only one sign surface." City Code §1202 Subd. 2 requires that wall signs on single-tenant buildings be no more than 10% of the gross wall area on the front wall, and no more than 5% of gross wall area on side and rear walls. The maximum wall sign area for buildings of this size is 150 square feet. Two signs are proposed on the west (front) side of the building, the total square footage of the signs is 150 square feet and less than 10% of the gross wall area.

CUP Requirements

Per City Code §1301.050 Subd. 2 (e), the City shall consider possible affects of the proposed conditional use and consider the following factors in their decision. Stantec analysis of each factor is included in italics below.

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Land Use Plan and all other plans and controls.

The proposed use is consistent with the City's 2040 Comprehensive Land Use Plan, which guides the property as Business Park. The definition of Business Park "allows a mix of light industrial, warehouse, office, and limited retail uses. Uses should primarily be contained within primary structures with outdoor processing and storage generally prohibited." The indoor range use with the accessory enclosed retail use is compatible with this land use and the plan for the area.

2. The proposed use is or will be compatible with present and future land uses of the area.

The existing land use of the property is commercial, and the property is surrounded by existing industrial buildings to the north and south, as well as vacant land to the South. The east side of the property abuts Interstate 35E, and the west side of the property abuts Centerville Road. Due to the shape of the property, the proposed building will be set back significantly from Centerville Road, and the view of the building will be obstructed by existing buildings. Given this information, the use is compatible with existing land uses.

As discussed in item 1, the future land use of this area is Business Park, which is consistent with the proposed use.

3. The proposed use conforms with all performance standards contained herein.

Stantec has reviewed performance standards, and an analysis of reviewed standards is included below:

Lot, Setback and Building Requirements in the B-W District

Stantec has reviewed Zoning Code Sections 1303.180 subd. 5 and 6 for conformance with lot requirements and setbacks and building requirements. Stantec analysis is provided in italics.

Per city code Section 1303.180 subd. 5 the following minimum requirements shall be observed in a B-W District:

- a. Lot Area – 15,000 square feet

Lot area is 96,484 square feet. This requirement is met.

- b. Lot width – 100 feet

Lot width is 247.43 feet. This requirement is met.

- c. Setbacks:

(1) Front yard: not less than thirty (30) feet

(2) Side yards: not less than twenty (20) feet

(3) Rear yards: not less than thirty (30) feet

All setback requirements have been met per the submitted plans.

City code Section 1303.180 subd. 6 describes the following building requirements:

- a. Height. No structure shall be taller than three (3) stories, not to exceed thirty-six (36) feet, except as provided in Section 1302.040, Subd. 3 of this Code.

The structure is proposed to be 1 story. This requirement is met

Landscaping

Zoning Code Section 1302.030 subd.7 provides requirements for landscaping

A landscape plan has been submitted as part of this CUP, which includes City Code required landscaping. The applicant will work with the City to address any issues with the landscape plan.

4. The proposed use will not tend to or actually depreciate the area in which it is proposed.

The surrounding properties are zoned B- W Business/Warehousing, which is compatible with this use. The rear yard of the property abuts Interstate 35E, which will not depreciate as a result of the use at this property. The entire range, and all retail sales operations will be conducted indoors, and will not depreciate the quality of the area. The building itself is setback significantly from the road and any residential uses, and is surrounded by existing light industrial properties. The updates and façade improvements to the building proposed by the applicant will be an improvement to the property and the area as a whole, and will not depreciate other nearby uses.

5. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.

The applicant has submitted a utility plan as part of the CUP package prepared for this property. Based on this plan, it is anticipated that the proposed use may be accommodated within existing public services, and will not overburden the City's service capacity.

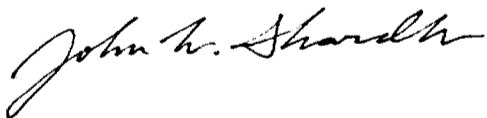
6. Traffic generation by the proposed use is within capabilities of streets serving the property.

The proposed use is not anticipated to generate more traffic than other permitted uses in this area. Centerville Road is categorized as an A-minor expander, which is capable of managing traffic generation from the proposed use. The use will likely be accessed from County Highway 96 E (A Minor Expander) and I-35E (Principal Arterial), both of which are capable of handling traffic generation from the proposed use at this property.

Conclusion

Stantec finds that the applicants proposed use as an indoor firearms range and associated retail operation at the property located at 4350 Centerville Road meets all zoning requirements in the city zoning code. The applicant will work with the City to address any additional requirements as necessary.

Stantec Consulting Services Inc.



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Senior Principal

Phone: 612 712 2127

Mobile: 612-720-3674

John.Shardlow@stantec.com

ATTACH. 7



213022130027

P.O. Box 64097
Saint Paul, MN 55164-0097

2020 Property Tax Statement **2020**
2019 Values for Taxes Payable in

135528*673**G50**1.369**3/6*****AUTO5-DIGIT 55127
BRIAN D KROONBLAWD
4350 CENTERVILLE RD
SAINT PAUL MN 55127-3676

| VALUES AND CLASSIFICATION | | 2019 | 2020 |
|---|---|------------|---------------------|
| Taxable Payable Year | | 2019 | 2020 |
| Step 1 | Estimated Market Value | \$ 628,100 | \$ 628,100 |
| | Improvements Excluded | | |
| | Homestead Exclusion | 0 | 0 |
| | Taxable Market Value | 628,100 | 628,100 |
| | New Improvements/ Expired Exclusions | | |
| | Property Classification | Comm/Ind | Comm/Ind |
| | Value Notice sent March 2019 | | |
| Step 2 | PROPOSED TAX NOTICE | | |
| | Proposed tax sent in November 2019. | | \$ 19,560.00 |
| *Note: Did not include special assessments or referenda approved by the voters at the 2019 November election. | | | |
| Step 3 | PROPERTY TAX STATEMENT | | |
| | First-half taxes due 5/15/2020 | | 10,491.00 |
| | Second-half taxes due 10/15/2020 | | 10,491.00 |
| | Total Taxes Due in 2020: | | 20,982.00 |

CURRENT STEP →

PROPERTY ADDRESS
4350 CENTERVILLE RD
ABBREVIATED TAX DESCRIPTION
NEW BEDFORD ADDITION
LOT 3 BLK 1
PROPERTY IDENTIFICATION NUMBER (P.I.N.)
213022130027 9340

| 2019 | 2020 | TAXES PAYABLE YEAR |
|-------------------------------------|--------------|---|
| | \$ 0.00 | 1. Use this amount on Form M1PR to see if you're eligible for a property tax refund. File by August 15. If box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/> |
| \$ 0.00 | | 2. Use these amounts on Form M1PR to see if you are eligible for a special refund. |
| Property Tax and Credits | | |
| 19,925.36 | 20,299.06 | 3. Property taxes before credits |
| 0.00 | 0.00 | 4. Agricultural credits that reduce property taxes |
| 19,925.36 | 20,299.06 | 5. Property taxes after credits |
| Property Tax by Jurisdiction | | |
| 3,683.95 | 3,531.37 | 6. Ramsey County |
| 294.86 | 287.72 | a. Regional Rail Authority |
| 327.37 | 309.95 | b. County Library |
| 1,531.84 | 1,514.80 | 7. City or Town - WHITE BEAR LAKE |
| 4,373.94 | 4,005.80 | 8. State General Tax |
| | | 9. School District 624 |
| 1,312.62 | 1,957.17 | a. Voter approved levies |
| 2,125.91 | 2,149.32 | b. Other local levies |
| | | 10. Special taxing districts |
| 191.21 | 176.66 | a. Metropolitan special taxing districts |
| 0.00 | 0.00 | b. Other special taxing districts |
| 0.00 | 0.00 | c. Tax increment |
| 6,083.66 | 6,366.27 | d. Fiscal disparity |
| 0.00 | 0.00 | 11. Non-school voter approved referenda levies |
| 19,925.36 | 20,299.06 | 12. Total property tax before special assessments |
| 634.64 | 682.94 | 13. Special assessments and charges added to this property tax statement for taxes payable in 2020 |
| | | a. 682.94 Vadnais Lake Area Water Management Organ |
| | | b. |
| | | c. |
| | | d. |
| | | e. |
| | | f. |
| | | g. |
| | | h. |
| 0.00 | 0.00 | Contamination Tax |
| \$ 20,560.00 | \$ 20,982.00 | 14. Total Property Tax and Special Assessments |

PROPERTY TAX REFUNDS
You may be eligible for one or more refunds
that reduce your property taxes in 2020 – even if you haven't been eligible before.
See enclosed insert for details or visit revenue.state.mn.us

CONTACT INFORMATION

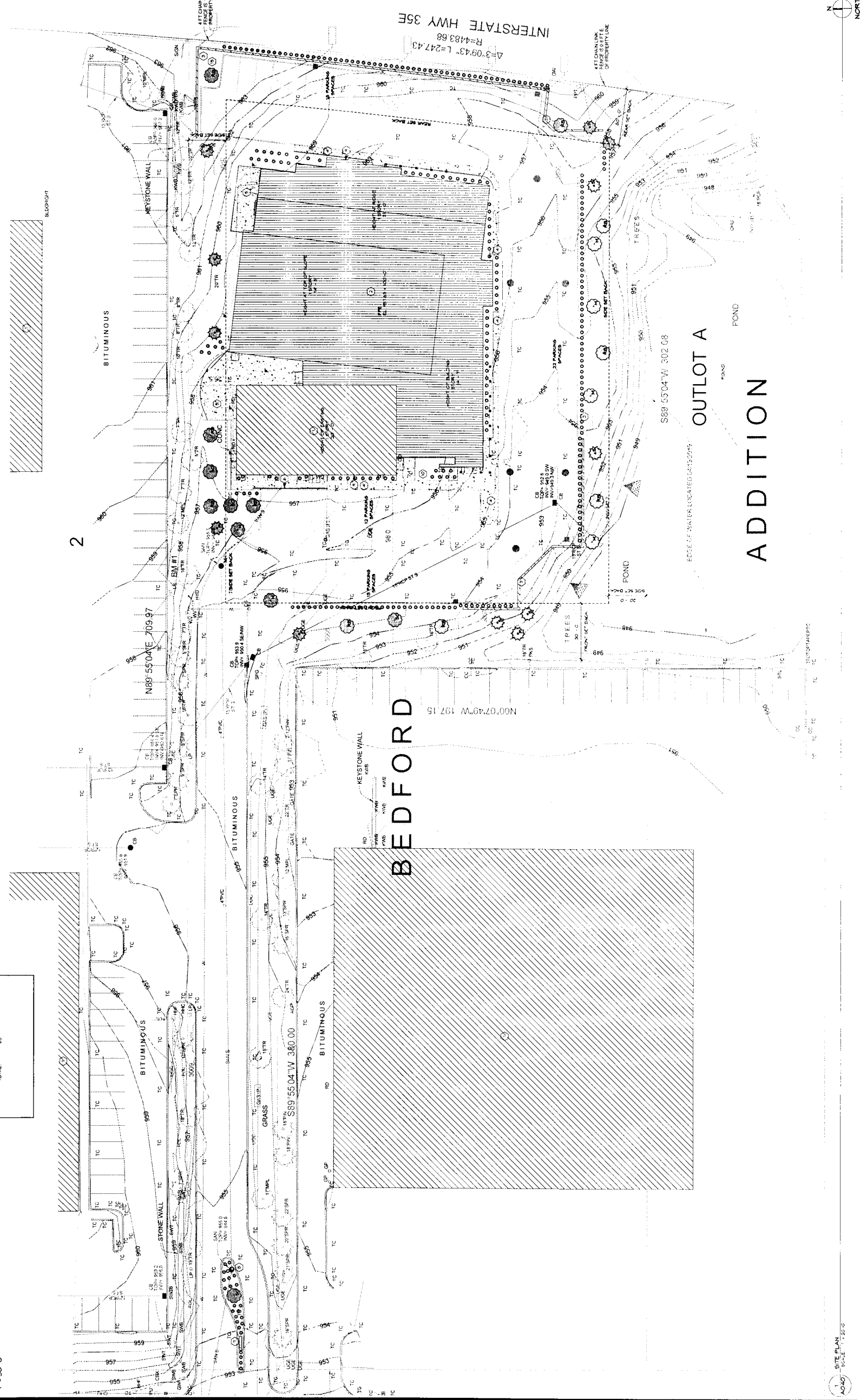
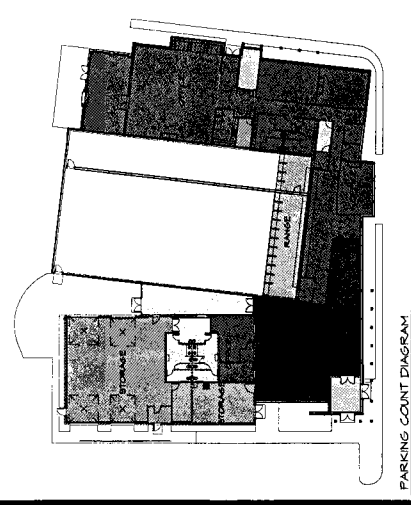
ramseycounty.us/property
90 Plato Blvd. West, Saint Paul, MN 55107
General – taxes, payments, addresses, special assessments
AskPropertyTaxandRecords@ramseycounty.us | 651-266-2222
Assessing services – value, classification, exemptions
AskCountyAssessor@ramseycounty.us | 651-266-2131
Homestead
AskHomesteads@ramseycounty.us | 651-266-2040
Delinquent taxes
AskPropertyTaxandRecords@ramseycounty.us | 651-266-2002



| GENERAL NOTES | | SITE PLAN KEY NOTES | | LEGEND | | SCHEDULE | |
|---------------|---|---------------------|-----------------------------------|--------------------------|------------------|-----------------------|---------------------|
| 1 | ALL TREES AND SHRUBS TO BE FOR CLIMATE ZONE 4B | 1 | EXISTING BUILDING | SYMBOLS | COMMON NAMES | SYMBOLICAL QUANTITIES | SIZE SPECIFICATIONS |
| 2 | ALL TREES AND SHRUBS TO BE A MINIMUM OF 3 CALIPER INCH | 2 | PROPOSED BUILDING | EXISTING BUILDING | SPRING PLANT CAN | 4 | 2" B AND B |
| 3 | ALL TREES AND SHRUBS TO BE A MINIMUM OF 10 CALIPER INCH | 3 | RETAINING WALL SEE CIVIL DRAWINGS | PROPOSED CONSTRUCTION | SPRING PLANT CAN | 4 | 2" B AND B |
| 4 | ALL TREES AND SHRUBS TO BE A MINIMUM OF 10 CALIPER INCH | 4 | CONCRETE SIDEWALK | EXISTING DECIDUOUS TREE | SPRING PLANT CAN | 4 | 2" B AND B |
| 5 | ALL DECIDUOUS AND CONIFEROUS TREES STAGED AND SAVED PER NATIONAL AND STATE TREE PRESERVATION ACTS AND CONSERVATION TRENDS SHALL BE | 5 | PAVED COURTYARD | EXISTING DECIDUOUS TREE | SPRING PLANT CAN | 4 | 2" B AND B |
| 6 | ALL AREAS OF ANY SITE NOT OCCUPIED BY BUILDING, PARKING, OR STORAGE SHALL BE MAINTAINED AS EXISTING OR RESTORED TO ORIGINAL CONDITION | 6 | NO PARKING ACCESSIBLE SIDEWALK | EXISTING CONIFEROUS TREE | SPRING PLANT CAN | 4 | 2" B AND B |
| 7 | ALL GRASS RAMPED TO BE BUILT PER STANDARD LOCAL ACCESSIBILITY STANDARDS | 7 | NO PARKING ACCESSIBLE SIDEWALK | EXISTING CONIFEROUS TREE | SPRING PLANT CAN | 4 | 2" B AND B |
| 8 | ALL GRASS RAMPED TO BE BUILT PER STANDARD LOCAL ACCESSIBILITY STANDARDS | 8 | NO PARKING ACCESSIBLE SIDEWALK | EXISTING CONIFEROUS TREE | SPRING PLANT CAN | 4 | 2" B AND B |
| 9 | ALL GRASS RAMPED TO BE BUILT PER STANDARD LOCAL ACCESSIBILITY STANDARDS | 9 | NO PARKING ACCESSIBLE SIDEWALK | EXISTING CONIFEROUS TREE | SPRING PLANT CAN | 4 | 2" B AND B |
| 10 | ALL GRASS RAMPED TO BE BUILT PER STANDARD LOCAL ACCESSIBILITY STANDARDS | 10 | NO PARKING ACCESSIBLE SIDEWALK | EXISTING CONIFEROUS TREE | SPRING PLANT CAN | 4 | 2" B AND B |
| 11 | ALL GRASS RAMPED TO BE BUILT PER STANDARD LOCAL ACCESSIBILITY STANDARDS | 11 | NO PARKING ACCESSIBLE SIDEWALK | EXISTING CONIFEROUS TREE | SPRING PLANT CAN | 4 | 2" B AND B |

| PARKING REQUIREMENTS | | ZONING INFORMATION | |
|----------------------|--------------------|-------------------------------|----------------------|
| RETAIL | 1 SPACE PER 100 SF | ZONING DISTRICT | COMMERCIAL |
| OFFICE | 1 SPACE PER 200 SF | LOT REQUIREMENTS AND SETBACKS | SEE CITY ORDINANCES |
| RESTAURANT | 1 SPACE PER 100 SF | LOT WIDTH - 100 FEET | MINIMUM 100 FEET |
| RETAIL | 1 SPACE PER 100 SF | LOT AREA - 10,000 SQ FT | MINIMUM 10,000 SQ FT |
| OFFICE | 1 SPACE PER 200 SF | SETBACKS | SEE CITY ORDINANCES |
| RESTAURANT | 1 SPACE PER 100 SF | FRONT SETBACK | MINIMUM 10 FEET |
| RETAIL | 1 SPACE PER 100 SF | REAR SETBACK | MINIMUM 10 FEET |
| OFFICE | 1 SPACE PER 200 SF | SIDE SETBACK | MINIMUM 10 FEET |
| RESTAURANT | 1 SPACE PER 100 SF | REAR SETBACK | MINIMUM 10 FEET |
| RETAIL | 1 SPACE PER 100 SF | REAR SETBACK | MINIMUM 10 FEET |
| OFFICE | 1 SPACE PER 200 SF | REAR SETBACK | MINIMUM 10 FEET |
| RESTAURANT | 1 SPACE PER 100 SF | REAR SETBACK | MINIMUM 10 FEET |

| PARKING COUNT DIAGRAM | |
|--------------------------|-----|
| TOTAL # OF SPACES NEEDED | 100 |
| PROVIDED PARKING | 100 |
| ACCESSIBLE | 5 |
| TOTAL | 105 |



PRELIMINARY
 CONSTRUCTION

PROJECT NO. 19-001
 DRAWN BY: [Name]
 CHECKED BY: [Name]

ISSUE # DATE REVISION DESCRIPTION
 1 10/1/2019 INITIAL APPLICATION
 2 10/1/2019 CLIP APPLICATION

ISSUE # 10/1/2019
 DATE 10/1/2019
 REVISION
 DESCRIPTION

4350 CENTERVILLE ROAD
 WHITE BEAR LAKE, MN 55127

Heartland Twin Cities Gun Club and Range

ARCHITECTURAL SITE PLAN

A040 SITE PLAN SCALE: 1" = 20'-0"

2019/09/15 10:25 AM

DEMOLITION GEN. NOTES

A. ALL EXISTING CONDITIONS SHALL BE REMOVED AS INDICATED UNLESS OTHERWISE NOTED. DEMOLITION SHALL BE ACCORDING TO THE DEMOLITION PLAN. FIELD VERIFY THAT ALL WORK IS COMPLETED FOR REMOVAL. EXISTING OR REMOVED CONDITIONS SHALL BE IDENTIFIED AND NOTED ON THE DEMOLITION PLAN.

B. REMOVE EXISTING ROOFING AND STRUCTURE AS INDICATED ON THE DEMOLITION PLAN. FIELD VERIFY THAT ALL ROOFING AND STRUCTURE IS REMOVED AND NOTED ON THE DEMOLITION PLAN.

C. REMOVE EXISTING INTERIORS AND STRUCTURE AS INDICATED ON THE DEMOLITION PLAN. FIELD VERIFY THAT ALL INTERIORS AND STRUCTURE IS REMOVED AND NOTED ON THE DEMOLITION PLAN.

D. REMOVE EXISTING EXTERIORS AND STRUCTURE AS INDICATED ON THE DEMOLITION PLAN. FIELD VERIFY THAT ALL EXTERIORS AND STRUCTURE IS REMOVED AND NOTED ON THE DEMOLITION PLAN.

E. REMOVE EXISTING MECHANICAL AND ELECTRICAL SYSTEMS AS INDICATED ON THE DEMOLITION PLAN. FIELD VERIFY THAT ALL MECHANICAL AND ELECTRICAL SYSTEMS IS REMOVED AND NOTED ON THE DEMOLITION PLAN.

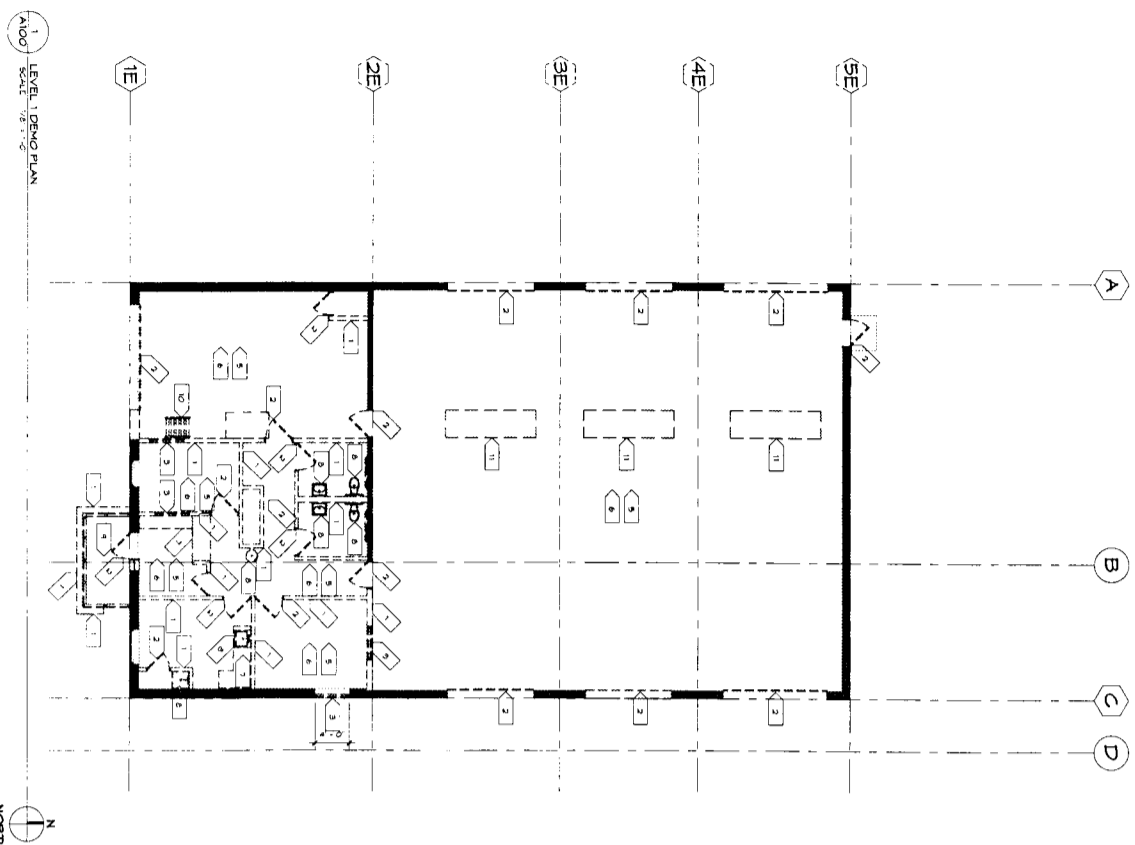
F. REMOVE EXISTING PAVING AND CURBS AS INDICATED ON THE DEMOLITION PLAN. FIELD VERIFY THAT ALL PAVING AND CURBS IS REMOVED AND NOTED ON THE DEMOLITION PLAN.

G. REMOVE EXISTING UTILITIES AS INDICATED ON THE DEMOLITION PLAN. FIELD VERIFY THAT ALL UTILITIES IS REMOVED AND NOTED ON THE DEMOLITION PLAN.

H. REMOVE EXISTING SIGNAGE AS INDICATED ON THE DEMOLITION PLAN. FIELD VERIFY THAT ALL SIGNAGE IS REMOVED AND NOTED ON THE DEMOLITION PLAN.

DEMOLITION KEYNOTES

1. REMOVE EXISTING INTERIORS AND STRUCTURE AS INDICATED ON THE DEMOLITION PLAN. FIELD VERIFY THAT ALL INTERIORS AND STRUCTURE IS REMOVED AND NOTED ON THE DEMOLITION PLAN.
2. REMOVE EXISTING EXTERIORS AND STRUCTURE AS INDICATED ON THE DEMOLITION PLAN. FIELD VERIFY THAT ALL EXTERIORS AND STRUCTURE IS REMOVED AND NOTED ON THE DEMOLITION PLAN.
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7. REMOVE EXISTING SIGNAGE AS INDICATED ON THE DEMOLITION PLAN. FIELD VERIFY THAT ALL SIGNAGE IS REMOVED AND NOTED ON THE DEMOLITION PLAN.
8. REMOVE EXISTING CONCRETE AND MASONRY AS INDICATED ON THE DEMOLITION PLAN. FIELD VERIFY THAT ALL CONCRETE AND MASONRY IS REMOVED AND NOTED ON THE DEMOLITION PLAN.
9. REMOVE EXISTING METAL AND WOOD AS INDICATED ON THE DEMOLITION PLAN. FIELD VERIFY THAT ALL METAL AND WOOD IS REMOVED AND NOTED ON THE DEMOLITION PLAN.
10. REMOVE EXISTING GLASS AND PARTIAL WALLS AS INDICATED ON THE DEMOLITION PLAN. FIELD VERIFY THAT ALL GLASS AND PARTIAL WALLS IS REMOVED AND NOTED ON THE DEMOLITION PLAN.
11. REMOVE EXISTING CONCRETE FLOOR AS INDICATED ON THE DEMOLITION PLAN. FIELD VERIFY THAT ALL CONCRETE FLOOR IS REMOVED AND NOTED ON THE DEMOLITION PLAN.



1 LEVEL 1 DEMOLITION PLAN
 A100 SCALE 1/8" = 1'-0"



EXISTING CONSTRUCTION
 NEW CONSTRUCTION

4800 WEST OLD SHAKOPEE ROAD
 SUITE 920
 BLOOMINGTON, MINNESOTA 55437
 PH: 952-996-9662
 FX: 952-996-9663
 WWW.SRA-MN.COM

SRA
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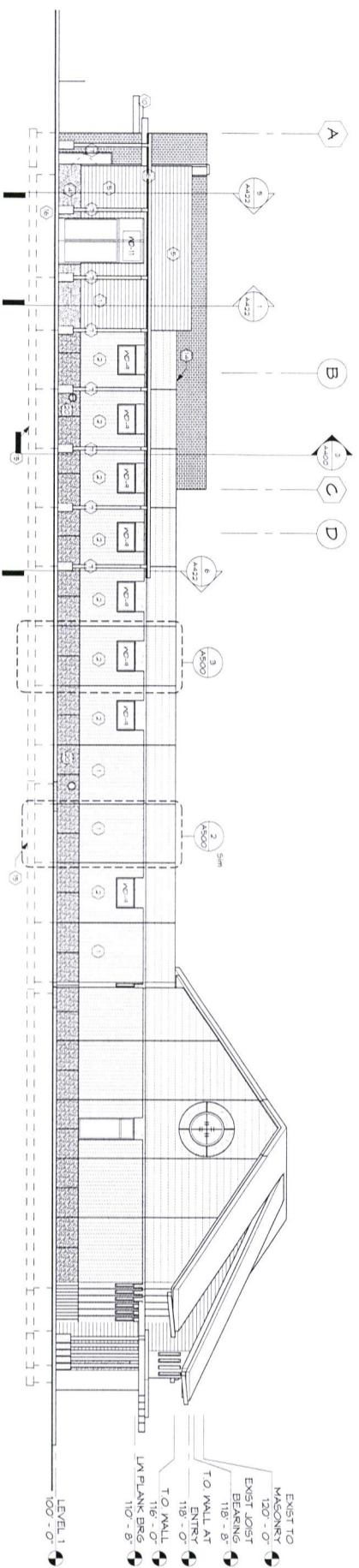
ISSUE RECORD

| ISSUE # | DATE | DESCRIPTION |
|---------|-----------|------------------|
| 1 | 5/10/2019 | PERMIT SET |
| 2 | 8/19/2019 | PERMIT SET |
| 3 | 1/11/2021 | CLIP APPLICATION |

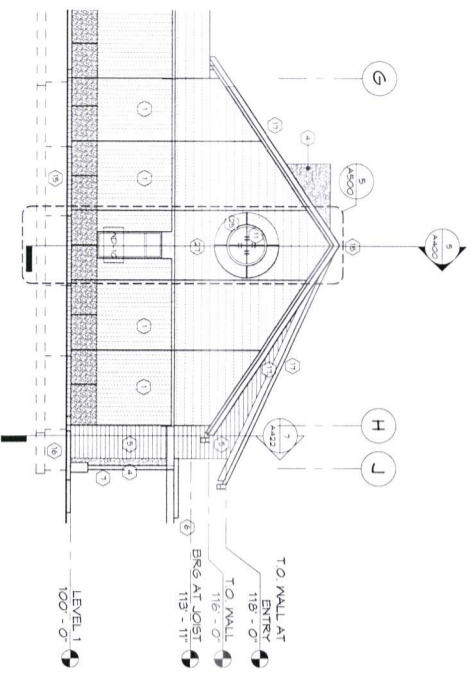
Heartland Twin Cities Gun Club and Range
 4350 CENTERVILLE ROAD
 WHITE BEAR LAKE, MN 55127

DEMOLITION PLAN

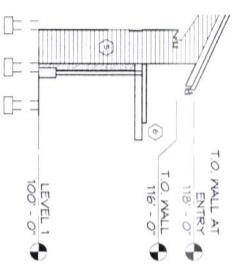
PROJECT NO. 19-001
 DRAWN BY: J. K.
 CHECKED BY: J. K.
A100
 DATE: 1/11/2021



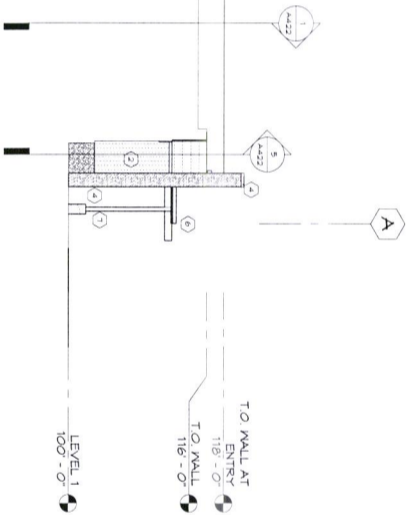
1 SOUTH ELEVATION (FRONT)
AS300 SCALE: 1/8"=1'-0"



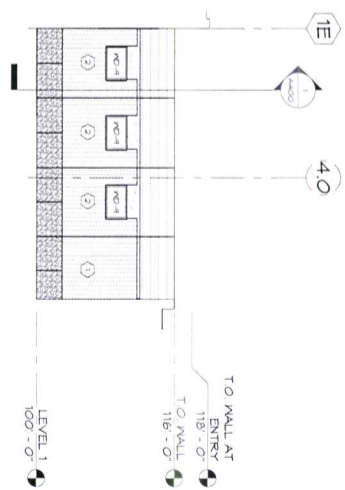
2 SOUTH ELEVATION AT CLUB
AS300 SCALE: 1/8"=1'-0"



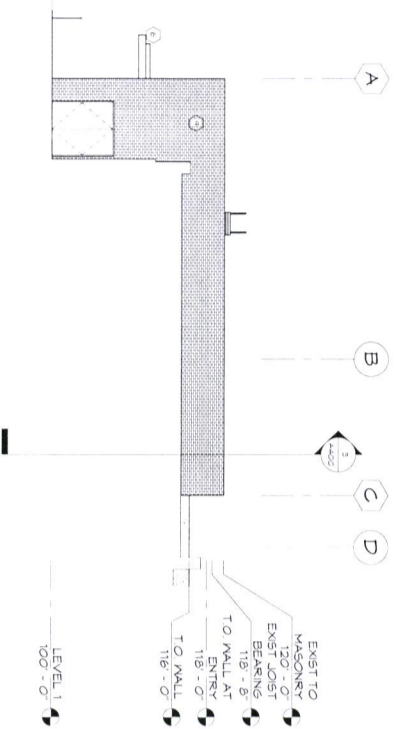
3 SOUTH ELEVATION AT NORTH ELEVATION
AS300 SCALE: 1/8"=1'-0"



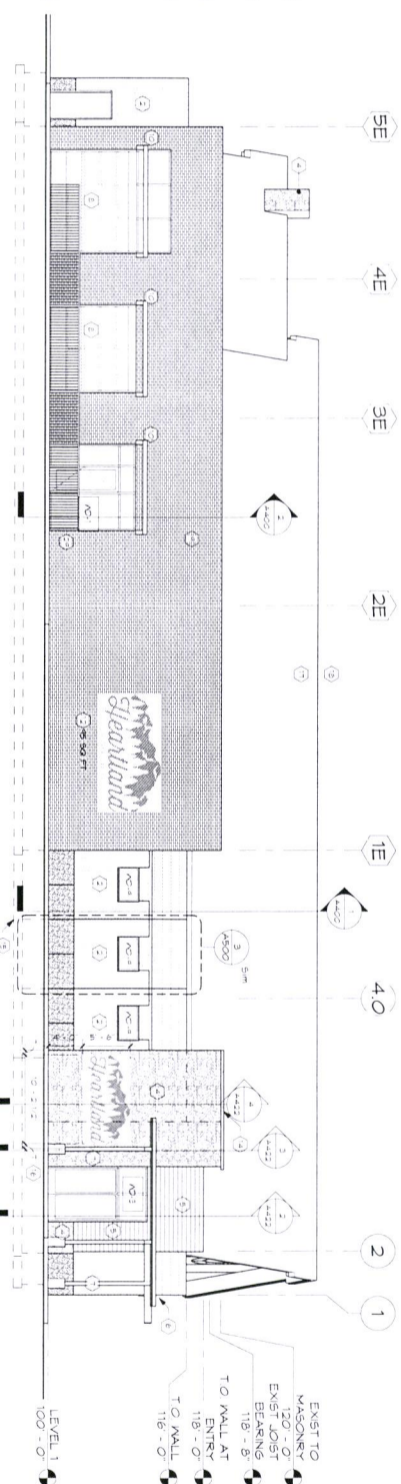
4 SOUTH ELEVATION AT MAIN ENTRY
AS300 SCALE: 1/8"=1'-0"



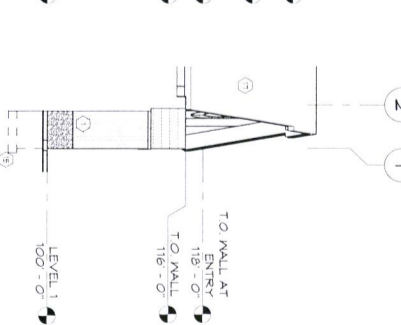
5 WEST ELEVATION AT RETAIL
AS300 SCALE: 1/8"=1'-0"



6 NORTH ELEVATION AT EXISTING
AS300 SCALE: 1/8"=1'-0"



7 WEST ELEVATION (SIDE)
AS300 SCALE: 1/8"=1'-0"



8 EAST ELEVATION AT SOUTH EXTERIOR
AS300 SCALE: 1/8"=1'-0"

EXTERIOR ELEVATION KERNOTES

- 1 RECESSED PANEL, TYPE 1, INTERIOR, CONCRETE TO SEE
- 2 TYPE 1 PANEL ELEVATION FOR DETAILS AND NOTES
- 3 TYPE 2 PANEL, PANEL ELEVATION FOR DETAILS AND NOTES
- 4 RECESSED PANEL, TYPE 2, INTERIOR, CONCRETE TO SEE
- 5 RECESSED PANEL ELEVATION FOR DETAILS AND NOTES
- 6 INTERIOR, INTERIOR, INTERIOR, INTERIOR
- 7 INTERIOR, INTERIOR, INTERIOR, INTERIOR
- 8 INTERIOR, INTERIOR, INTERIOR, INTERIOR
- 9 INTERIOR, INTERIOR, INTERIOR, INTERIOR
- 10 INTERIOR, INTERIOR, INTERIOR, INTERIOR
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PRELIMINARY
NOT FOR
CONSTRUCTION

| ISSUE # | DATE | DESCRIPTION |
|---------|-----------|------------------|
| 1 | 8/1/2019 | PRINC SET |
| 2 | 8/1/2019 | PERMIT SET |
| 3 | 1/11/2021 | CLIP APPLICATION |

Heartland Twin Cities Gun Club and Range
4350 CENTERVILLE ROAD
WHITE BEAR LAKE, MN 55127

4200 WEST OLD SHAKOPEE ROAD
SUITE 200
BLOOMINGTON, MINNESOTA 55437
PH: 952-996-9662
FAX: 952-996-9662
WWW.SRA-MN.COM

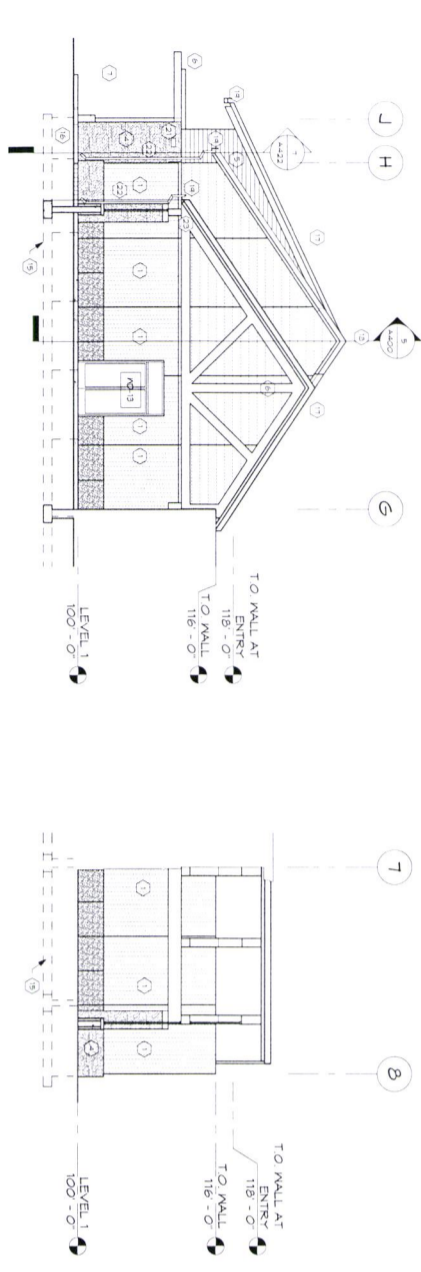


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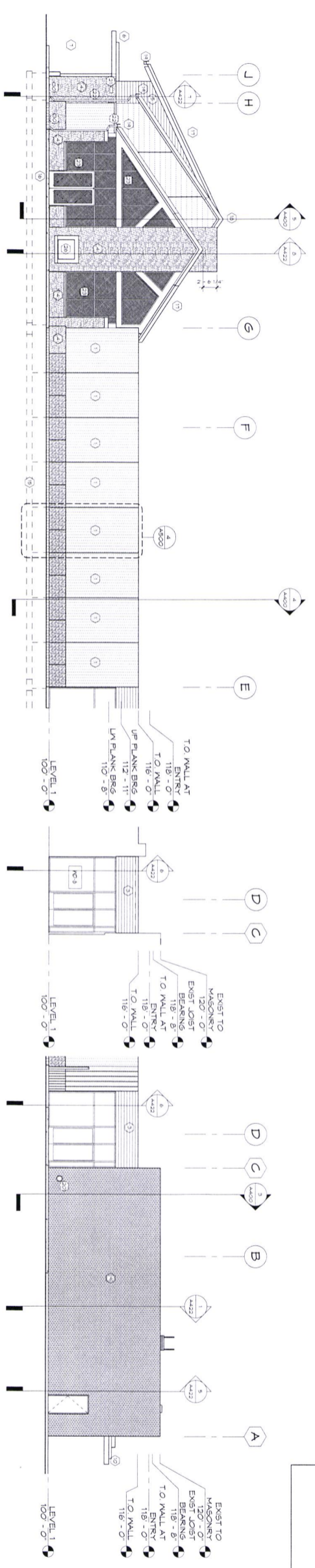
PROJECT NO. 19-001
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: 8/1/2019
A300

EXTERIOR ELEVATION KEYNOTES

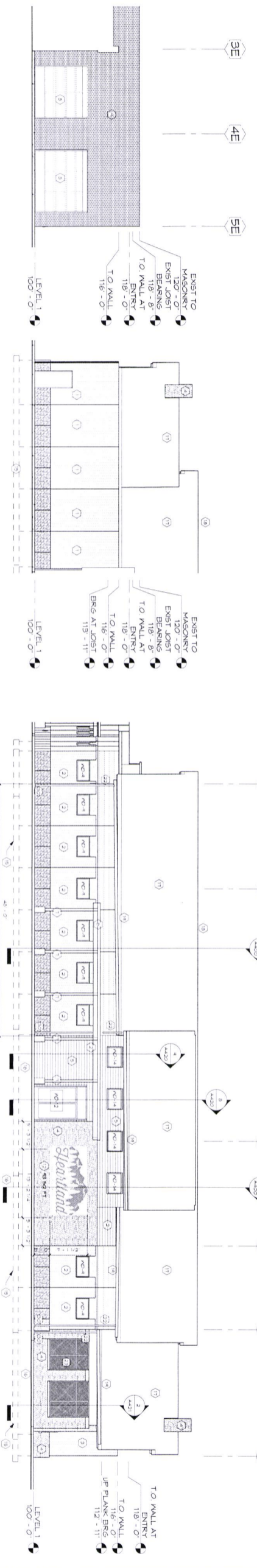
- 1) RELOCATE PANEL, TYPE 1, INTERIUM, COLOR, TO BE SET
- 2) RELOCATE PANEL, TYPE 2, INTERIUM, COLOR, TO BE SET
- 3) RELOCATE PANEL, TYPE 3, INTERIUM, COLOR, TO BE SET
- 4) RELOCATE PANEL, TYPE 4, INTERIUM, COLOR, TO BE SET
- 5) RELOCATE PANEL, TYPE 5, INTERIUM, COLOR, TO BE SET
- 6) RELOCATE PANEL, TYPE 6, INTERIUM, COLOR, TO BE SET
- 7) RELOCATE PANEL, TYPE 7, INTERIUM, COLOR, TO BE SET
- 8) RELOCATE PANEL, TYPE 8, INTERIUM, COLOR, TO BE SET
- 9) RELOCATE PANEL, TYPE 9, INTERIUM, COLOR, TO BE SET
- 10) RELOCATE PANEL, TYPE 10, INTERIUM, COLOR, TO BE SET
- 11) RELOCATE PANEL, TYPE 11, INTERIUM, COLOR, TO BE SET
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- 15) RELOCATE PANEL, TYPE 15, INTERIUM, COLOR, TO BE SET
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- 30) RELOCATE PANEL, TYPE 30, INTERIUM, COLOR, TO BE SET
- 31) RELOCATE PANEL, TYPE 31, INTERIUM, COLOR, TO BE SET
- 32) RELOCATE PANEL, TYPE 32, INTERIUM, COLOR, TO BE SET
- 33) RELOCATE PANEL, TYPE 33, INTERIUM, COLOR, TO BE SET
- 34) RELOCATE PANEL, TYPE 34, INTERIUM, COLOR, TO BE SET
- 35) RELOCATE PANEL, TYPE 35, INTERIUM, COLOR, TO BE SET
- 36) RELOCATE PANEL, TYPE 36, INTERIUM, COLOR, TO BE SET
- 37) RELOCATE PANEL, TYPE 37, INTERIUM, COLOR, TO BE SET
- 38) RELOCATE PANEL, TYPE 38, INTERIUM, COLOR, TO BE SET
- 39) RELOCATE PANEL, TYPE 39, INTERIUM, COLOR, TO BE SET
- 40) RELOCATE PANEL, TYPE 40, INTERIUM, COLOR, TO BE SET
- 41) RELOCATE PANEL, TYPE 41, INTERIUM, COLOR, TO BE SET
- 42) RELOCATE PANEL, TYPE 42, INTERIUM, COLOR, TO BE SET
- 43) RELOCATE PANEL, TYPE 43, INTERIUM, COLOR, TO BE SET
- 44) RELOCATE PANEL, TYPE 44, INTERIUM, COLOR, TO BE SET
- 45) RELOCATE PANEL, TYPE 45, INTERIUM, COLOR, TO BE SET
- 46) RELOCATE PANEL, TYPE 46, INTERIUM, COLOR, TO BE SET
- 47) RELOCATE PANEL, TYPE 47, INTERIUM, COLOR, TO BE SET
- 48) RELOCATE PANEL, TYPE 48, INTERIUM, COLOR, TO BE SET
- 49) RELOCATE PANEL, TYPE 49, INTERIUM, COLOR, TO BE SET
- 50) RELOCATE PANEL, TYPE 50, INTERIUM, COLOR, TO BE SET



1 NORTH EAST ELEVATION AT ENTRY
 2 EAST ELEVATION
 SCALE: 1/8" = 1'-0"



3 NORTH EAST ELEVATION (RSE)
 4 NORTH ELEVATION AT CONNECTION
 5 NORTH ELEVATION (REAR)
 SCALE: 1/8" = 1'-0"



6 EAST ELEVATION AT EXISTING
 7 WEST ELEVATION AT GUN RANGE
 8 EAST ELEVATION AT CLUB (REAR)
 SCALE: 1/8" = 1'-0"

4900 WEST OLD SHAKOPEE ROAD
 SUITE 920
 BLOOMINGTON, MINNESOTA 55437
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CONSTRUCTION

| ISSUE # | DATE | DESCRIPTION |
|---------|-----------|----------------------|
| 1 | 5/10/2019 | PRICING SET |
| 2 | 8/19/2019 | PERMIT SET |
| 3 | 1/11/2021 | C.I.U.P. APPLICATION |

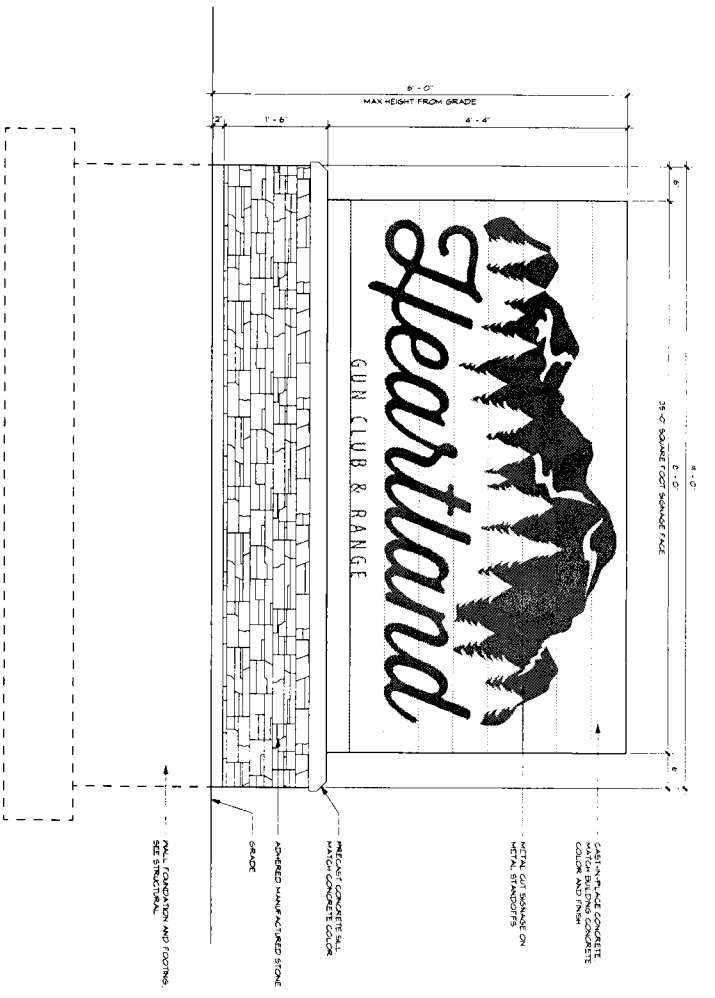
Heartland Twin Cities Gun Club and Range
 4350 CENTER LAKE ROAD
 WHITE BEAR LAKE, MN 55127

EXTERIOR ELEVATIONS

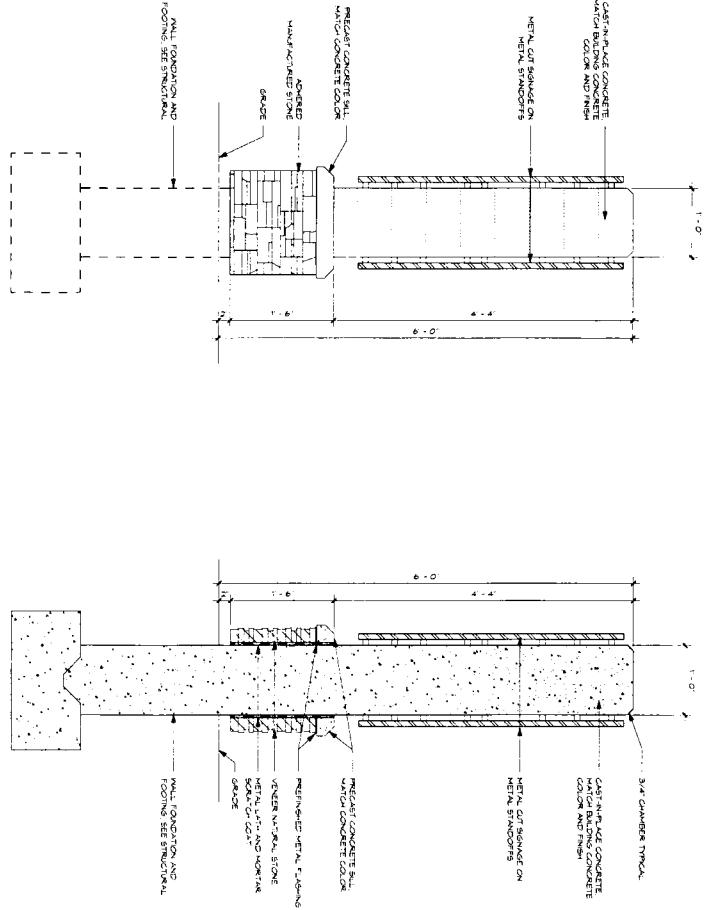
PROJECT NO. 19328
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

A301

DATE: 3/18/2021

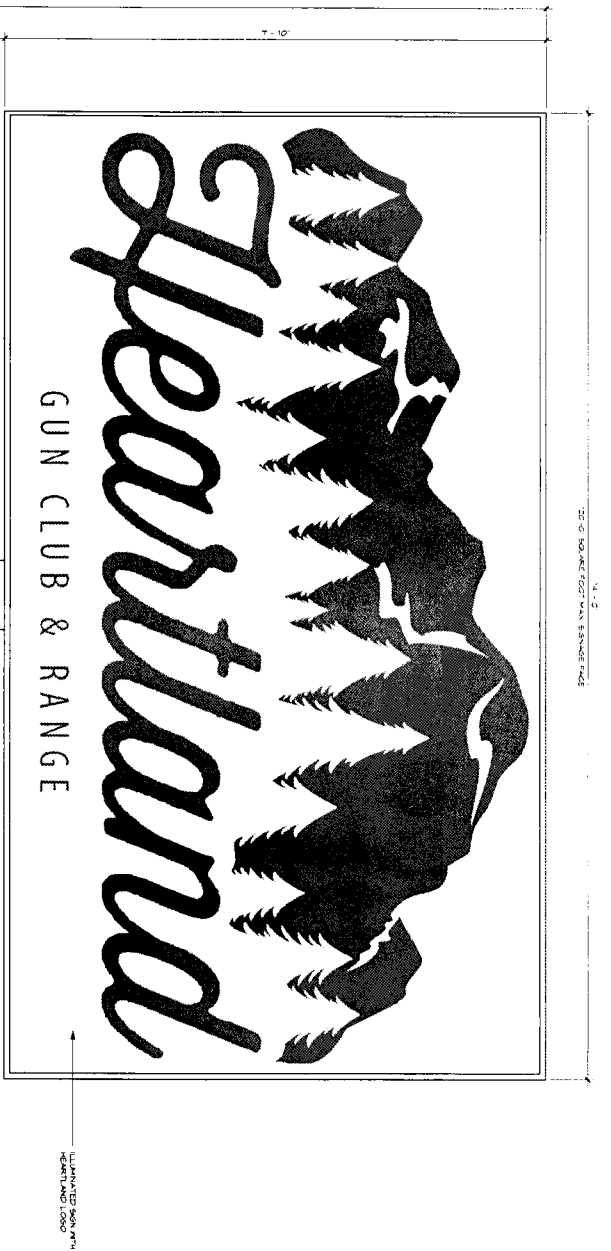


1 MONUMENT SIGN ELEVATION TYPICAL BOTH SIDES
SCALE: 1/8" = 1'-0"

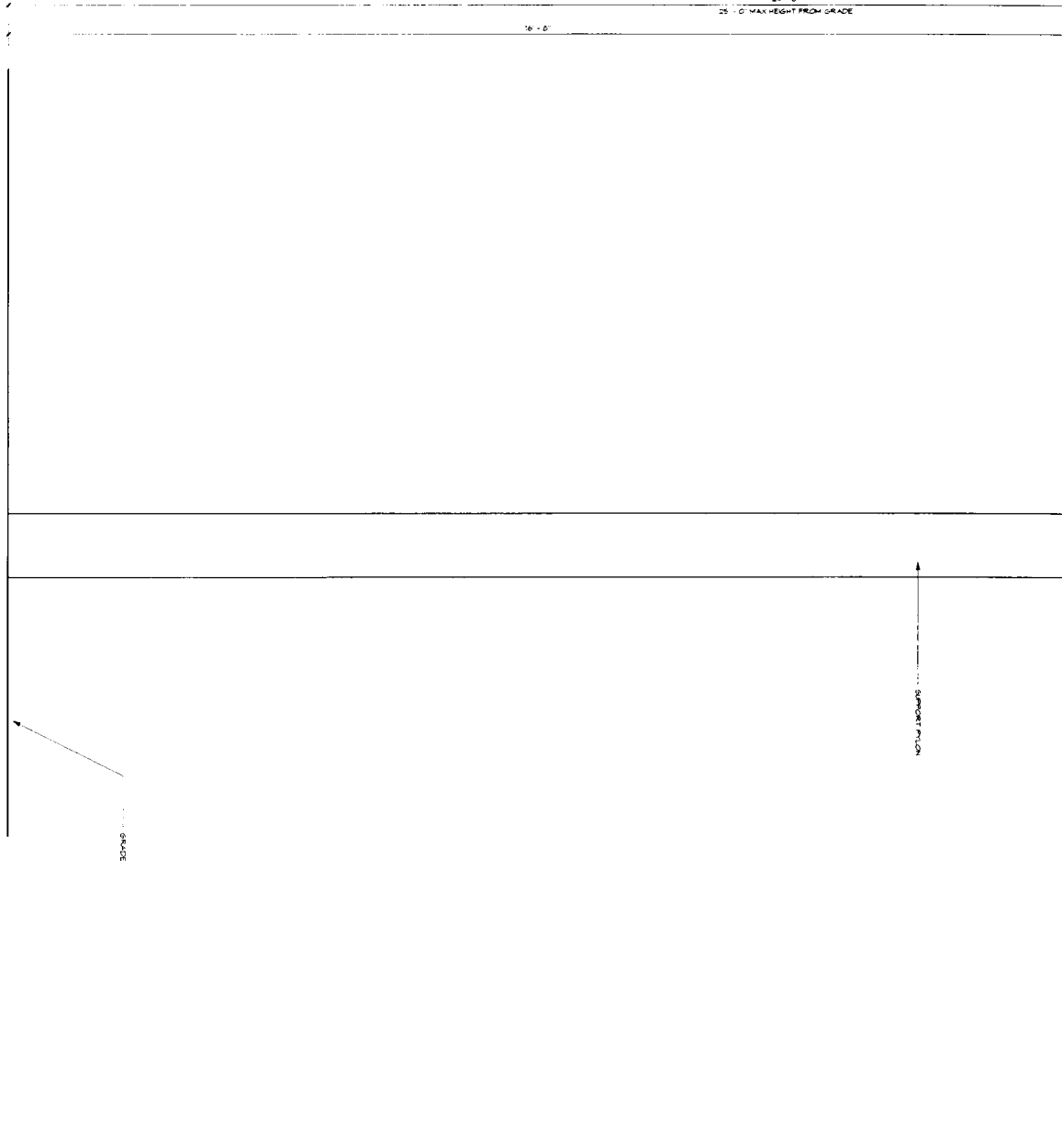


2 END ELEVATION AT MONUMENT SIGN
SCALE: 1/8" = 1'-0"

3 MONUMENT SIGN SECTION
SCALE: 1/8" = 1'-0"



4 Pylon sign elevation typical both sides
SCALE: 1/8" = 1'-0"



Heartland Twin Cities Gun Club and Range
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WHITE BEAR LAKE, MN 55127

| ISSUE RECORD: | | | |
|---------------|-----------|------------|-------------|
| ISSUE # | DATE | REVISIONS | DESCRIPTION |
| 1 | 8/12/2019 | PERMIT SET | |

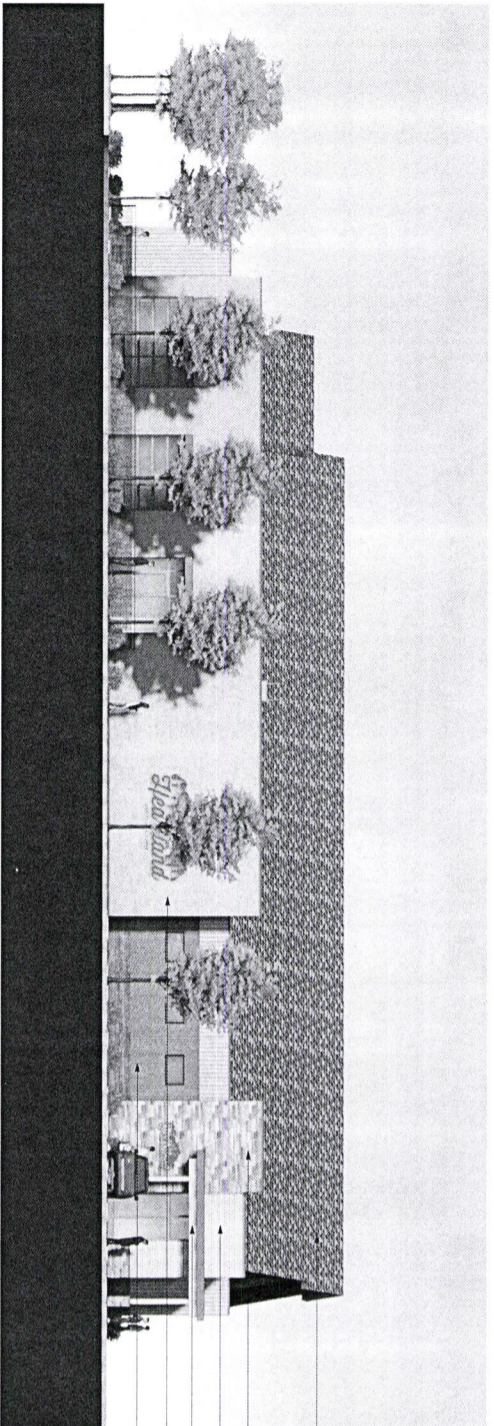
PRELIMINARY
NOT FOR
CONSTRUCTION

4800 WEST OLD SHAKOPEE ROAD
SUITE 200
BLOOMINGTON, MINNESOTA 55437
TEL: 952-996-9668
FX: 952-996-9663
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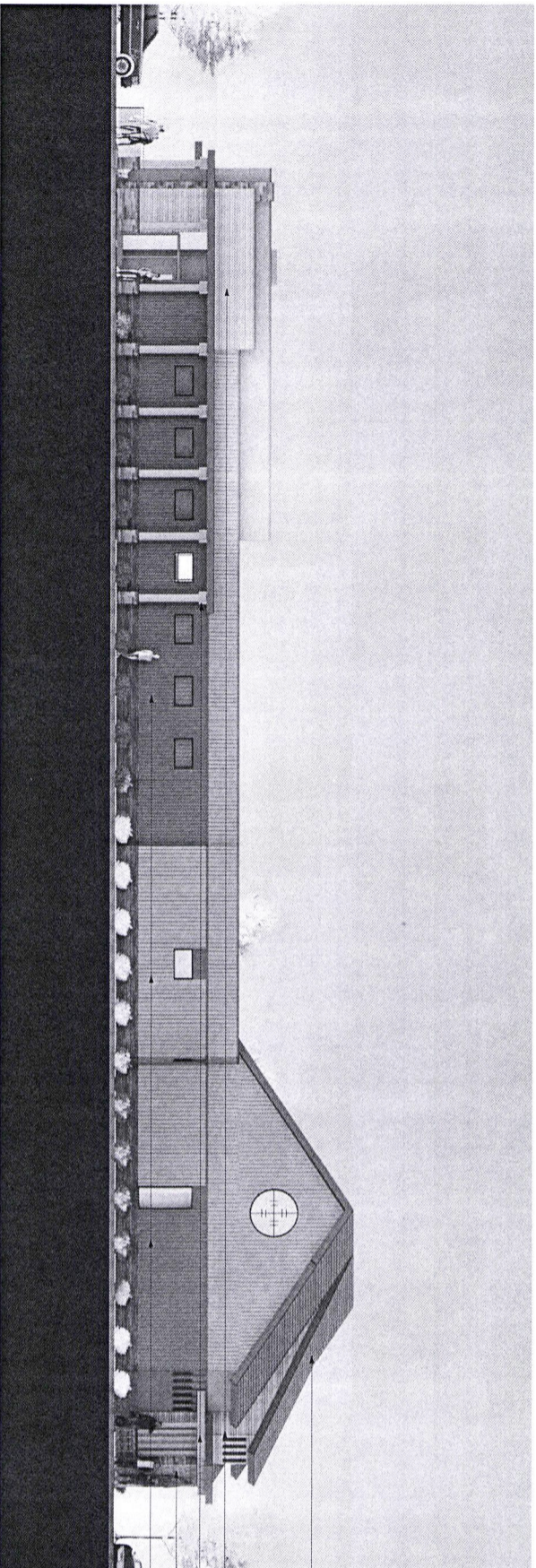
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PROJECT NO. 19-005
DRAWN BY: [Signature]
CHECKED BY: [Signature]
A310



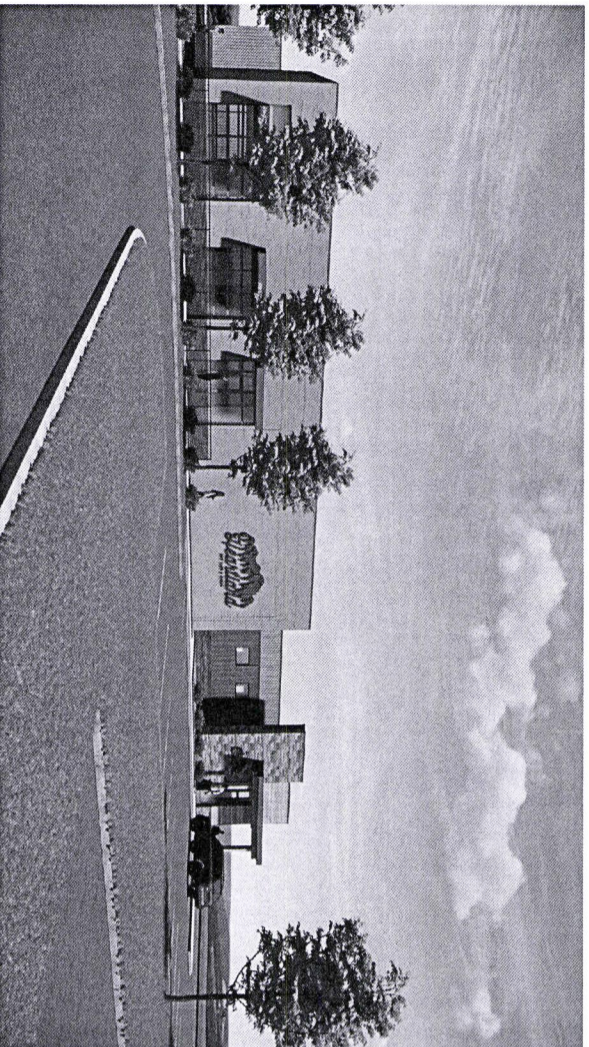
- ARCHITECTURAL SHINGLES
- STONE VENEER
- LONGBOARD WOOD GRAIN SIDING
- WOOD FRAMED CANOPY
- EXISTING BRICK - STAINED GRAY
- ARCHITECTURAL PRECAST PANEL

WEST EXTERIOR ELEVATION RENDERING - NOT TO SCALE



- ARCHITECTURAL SHINGLES
- LONGBOARD WOOD GRAIN SIDING
- WOOD FRAMED CANOPY
- STONE VENEER
- ARCHITECTURAL PRECAST PANEL

SOUTH EXTERIOR ELEVATION RENDERING - NOT TO SCALE



EXTERIOR RENDERING : APPROACH VIEW - NOT TO SCALE



EXTERIOR RENDERING : RETAIL ENTRY VIEW - NOT TO SCALE

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| ISSUE RECORD | | |
|--------------|-----------|-------------------|
| ISSUE # | DATE | DESCRIPTION |
| 2 | 1/17/2021 | C.L.P APPLICATION |

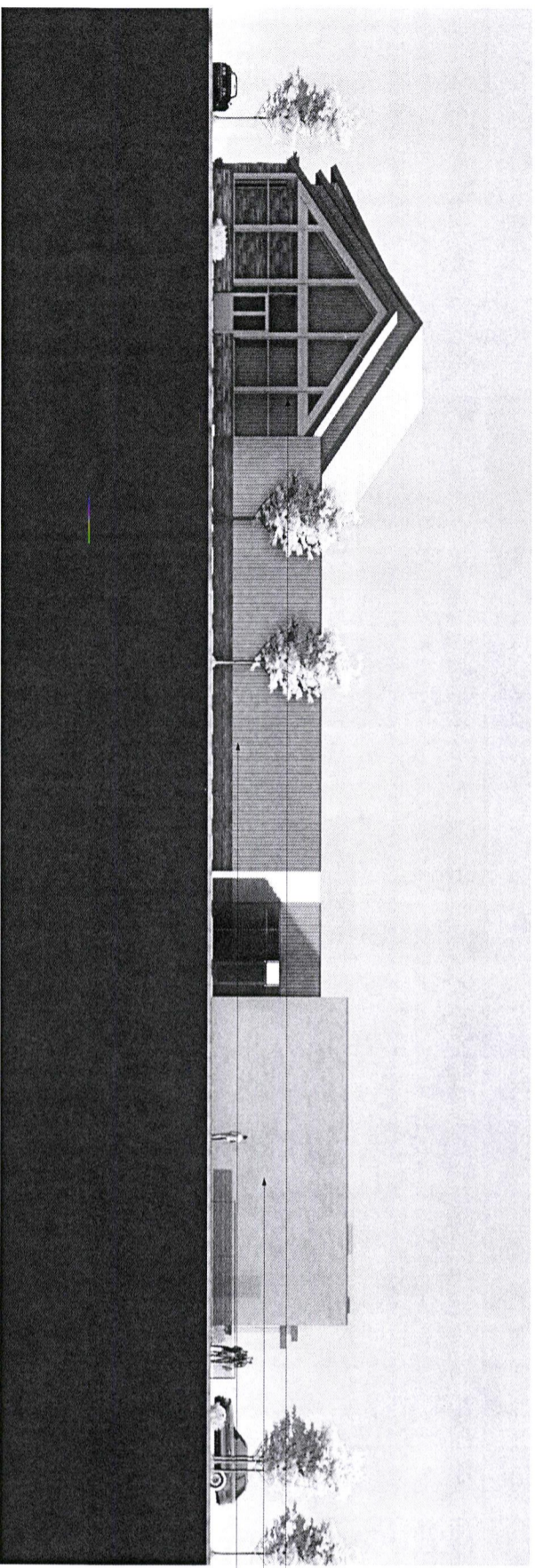
Heartland Twin Cities Gun
Club and Range
4350 CENTERVILLE ROAD
WHITE BEAR LAKE, MN 55127

COLORED
ELEVATION AND
RENDERINGS

PROJECT NO. 14-014
DRAWN BY: ALAN
CHECKED BY: ALAN

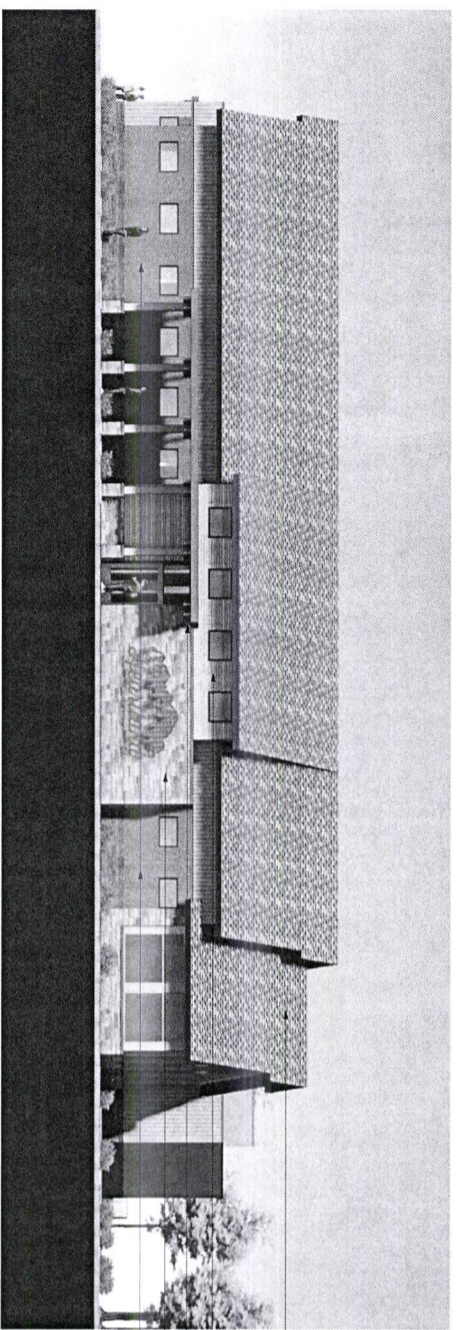
A8092

1/17/2021 10:29:28 AM



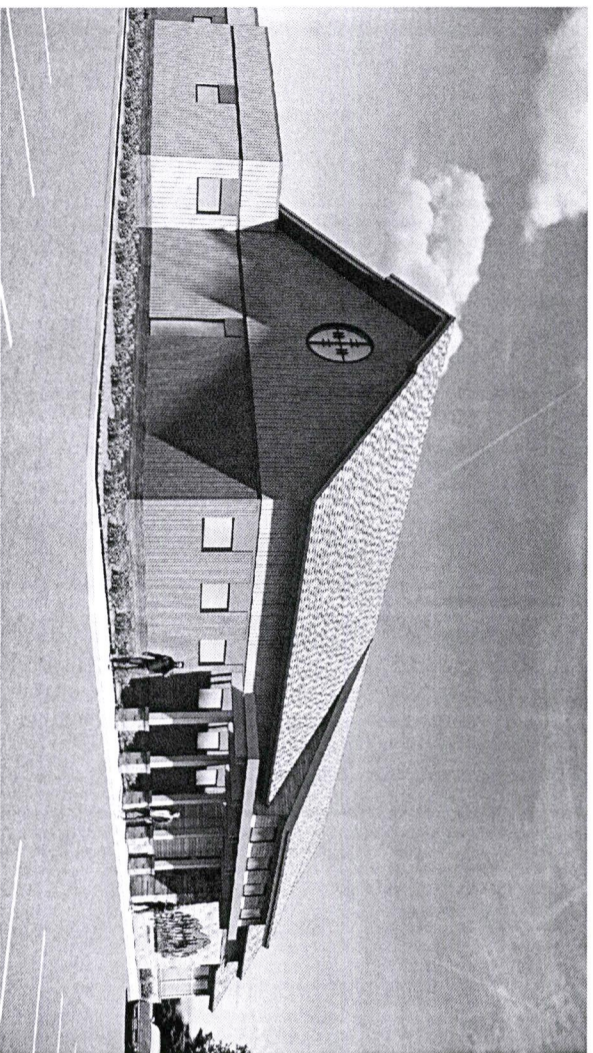
NORTH EXTERIOR ELEVATION RENDERING - NOT TO SCALE

WOOD FRAMED SCREEN PORCH
EXISTING BRICK - STAINED GRAY
ARCHITECTURAL PRECAST PANEL

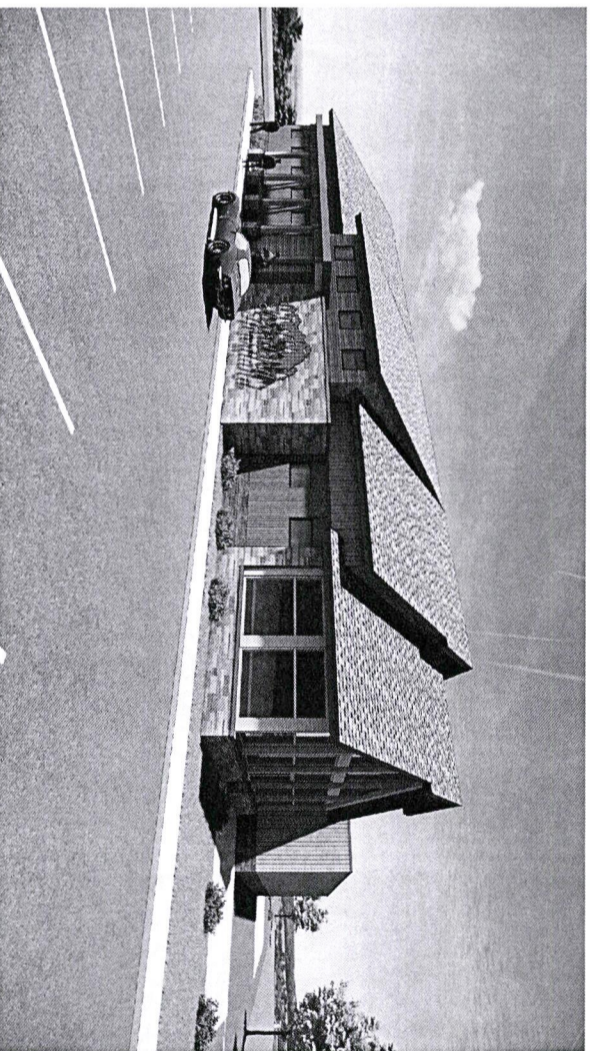


EAST EXTERIOR ELEVATION RENDERING - NOT TO SCALE

ARCHITECTURAL SHINGLES
LONGBOARD WOOD GRAIN SIDING
WOOD FRAMED CANOPY
STONE VENEER
ARCHITECTURAL PRECAST PANEL



EXTERIOR RENDERING : SE CORNER - NOT TO SCALE



EXTERIOR RENDERING : NE CORNER - NOT TO SCALE

ISSUE RECORD:

| ISSUE # | DATE | DESCRIPTION |
|---------|-----------|-----------------|
| 2 | 1/11/2021 | CUP APPLICATION |

PRELIMINARY
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SUITE 220
BLOOMINGTON, MINNESOTA 55437
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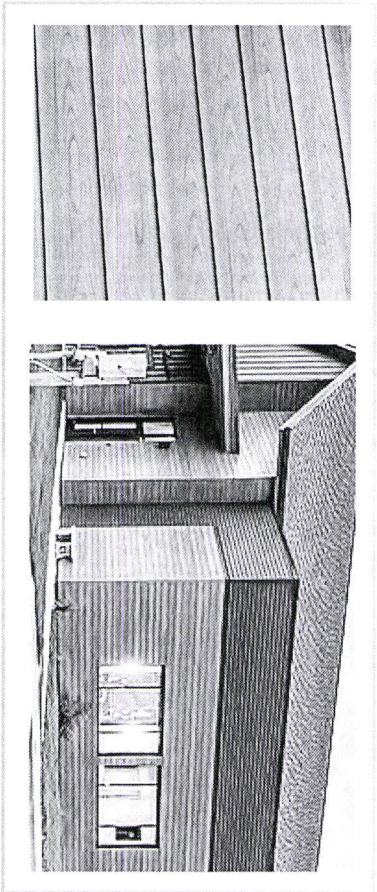
Heartland Twin Cities Gun
Club and Range
4350 CENTERVILLE ROAD
WHITE BEAR LAKE, MN 55127

COLORED
ELEVATIONS AND
RENDERINGS

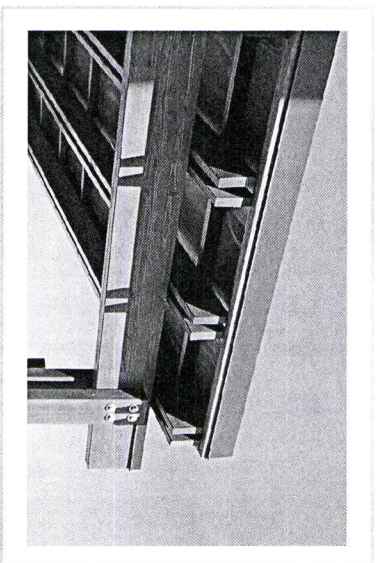
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DRAWN AND
CHECKED BY: CHW

A803

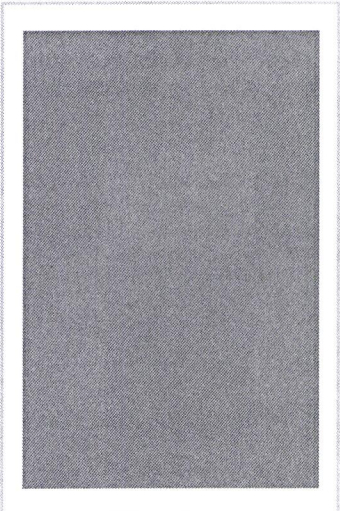
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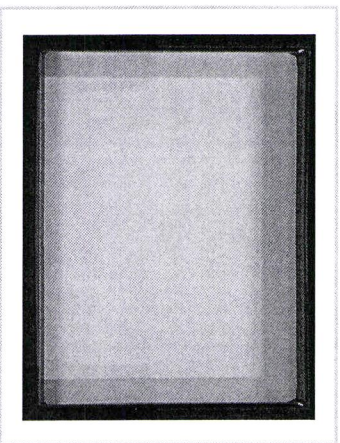
LONGBOARD WOODSIP SIDING 6 INCH CHANNEL SIDING WILL PROVIDE MARSHY AND TEXTURE WITH A DURABLE LOW MAINTENANCE FINISH. THIS MATERIAL WILL BE USED TO HIGHLIGHT THE PRIMARY ENTRIES TO THE BUILDING.



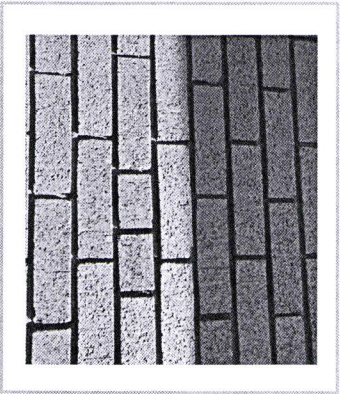
WOOD FRAMED CANOPIES AT THE PRIMARY ENTRIES ADD SCALE AND CRAFT TO THE PROJECT AS WELL AS PROTECTION FROM THE ELEMENTS. THE WOOD COLUMNS WILL SIT ON STONE BASES AS THEY MEET THE GROUND.



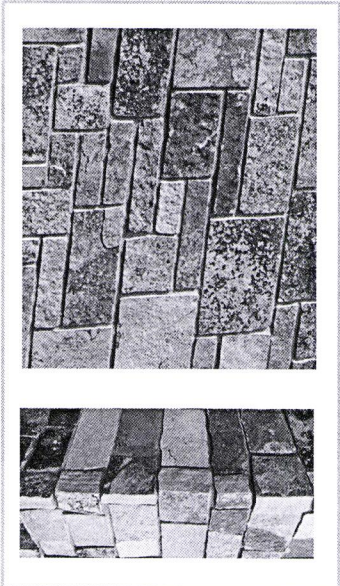
METAL USED ON THE PROJECT AT ROOF EDGES, FLASHING, CANPES AND WINDOW MULLIONS WILL BE FINISHED WITH A KYNAR COATING, COLOR ZINC



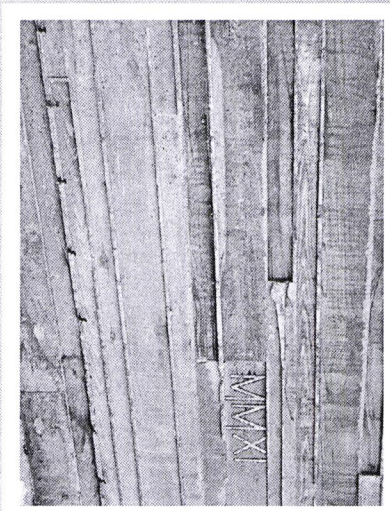
GLASS USED ON THE PROJECT WILL PROVIDE HIGH PERFORMANCE RELATIVE TO ENERGY USE AND LIGHT TRANSMITTANCE AND BE NEUTRAL IN COLOR.



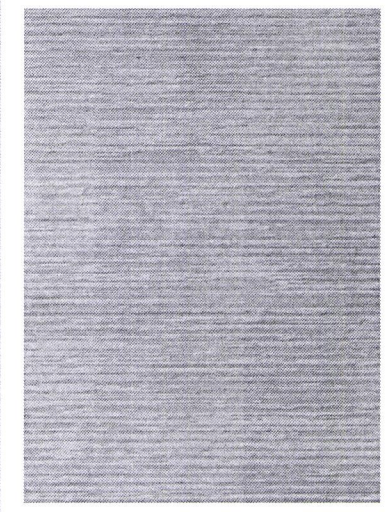
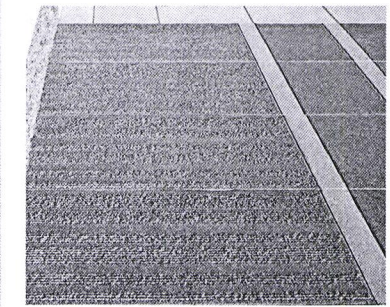
THE BRICK OF THE EXISTING BUILDING WILL BE STAINED TO MATCH OR COMPLEMENT THE ARCHITECTURAL PRECAST PANELS.



STONE VENEER WILL BE USED TO ENHANCE THE ENTRIES TO THE BUILDING AND ADD TEXTURE AND NATURAL MATERIAL.



ARCHITECTURAL PRECAST PANELS WITH A MIX OF FINISHES WILL MAKE UP THE BODY OF THE BUILDING. A MIX OF PANEL FINISHES INCLUDING BOARD FORM, RAKED FLAT, AND VERTICAL REVEALS WILL BE USED TO GIVE THE PANELS SCALE AND TEXTURE AND TO REFLECT THE SCALE AND SECTION OF THE NATURAL MATERIALS OF WOOD AND STONE.



| ISSUE RECORD | | |
|--------------|-----------|--------------------|
| ISSUE # | DATE | DESCRIPTION |
| 1 | 1/11/2021 | C.I.P. APPLICATION |

PRELIMINARY
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4200 WEST OLD SHAKOPEE ROAD
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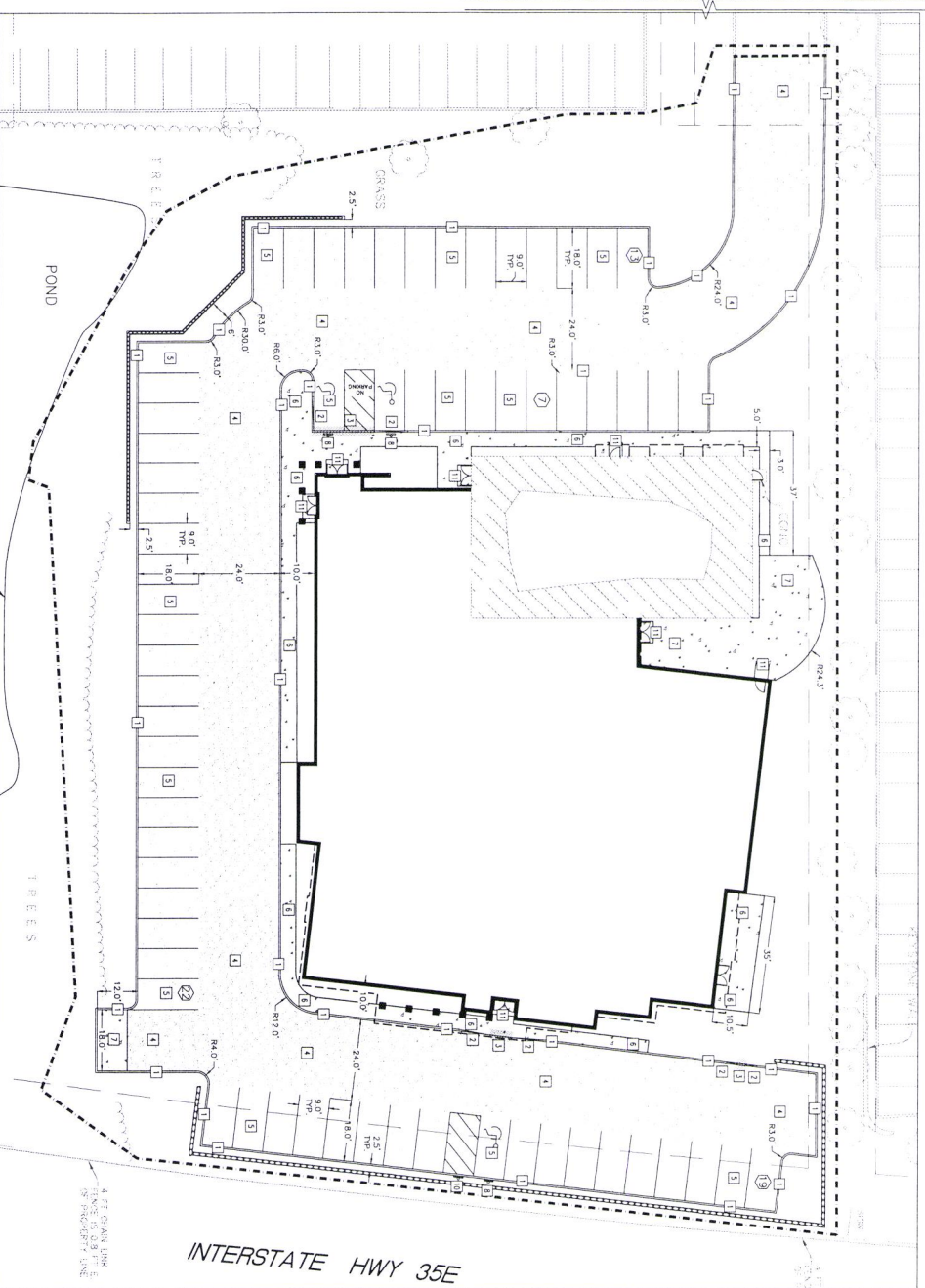
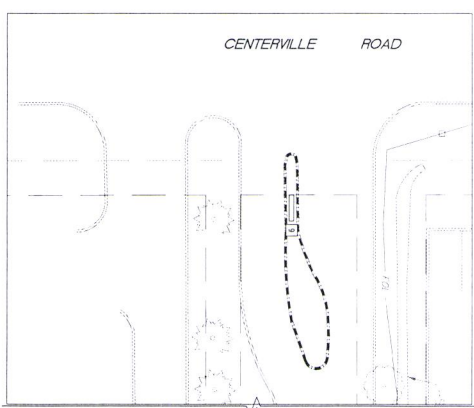
Heartland Twin Cities Gun
Club and Range
4350 CENTERVILLE ROAD
WHITE BEAR LAKE, MN 55127

EXTERIOR MATERIALS

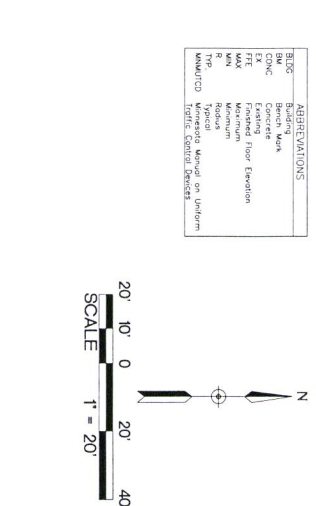
PROJECT NO: 1908
DRAWN BY: ALYSE
CHECKED BY: OYCE

A804

1/4/2021 3:00:23 PM

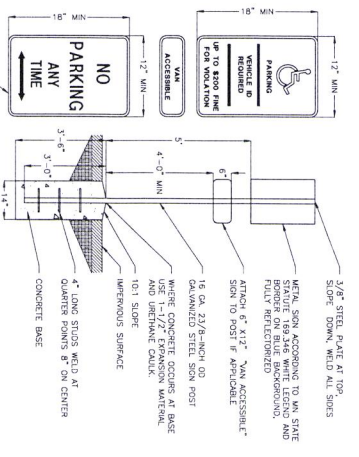


| PROPOSED PLAN SYMBOLS | ABBREVIATIONS |
|--------------------------------|---|
| CONSTRUCTION LIMITS | BM |
| PROPERTY LINE | Concrete |
| SHOULDER LINE (LEFT/RIGHT) | ERT |
| RETAINING WALL | Finished Road Elevation |
| HEAVY DUTY BITUMINOUS PAVEMENT | MM |
| CONCRETE PAVEMENT/DRIVEWALK | Medium |
| FLAT CURB AND GUTTER | Light |
| ACCESSIBLE PARKING | Universal Wheelchair on Uniform Traffic Control Devices |
| SON | |
| PARKING STALL COUNT | |



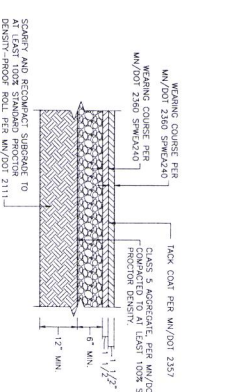
- KEYED NOTES**
- KEYED NOTES ARE ENCLOSED BY (K) ON PLAN.
- INSTALL BR12 CONCRETE CURB AND GUTTER. REFER TO DETAIL 2/1/2000.
 - INSTALL NOSINGDOWN CURB SECTION. REFER TO DETAIL 3/1/2000.
 - INSTALL FLAT CURB. REFER TO DETAIL 4/1/2000.
 - INSTALL HEAVY-DUTY BITUMINOUS PAVEMENT. REFER TO DETAIL 5/1/2000.
 - INSTALL LIGHT-DUTY BITUMINOUS PAVEMENT. REFER TO DETAIL 6/1/2000.
 - INSTALL CONCRETE WALK. REFER TO DETAIL 7/1/2000.
 - INSTALL ACCESSIBLE PARKING SON. REFER TO DETAIL 8/1/2000.
 - INSTALL WALKWAY SON. COORDINATE WITH ARCHITECTURAL PLANS.
 - INSTALL NO PARKING SON.
 - INSTALL STOP. REFER TO STRUCTURAL DRAWINGS FOR DETAILS.
- PAVING NOTES:**
- ALL DIMENSIONS ARE TO FACE OF CURB UNLESS NOTED OTHERWISE.
 - ALL CURB AND GUTTER IS TO BE BR12 CONCRETE CURB AND GUTTER UNLESS NOTED OTHERWISE.
 - NO SHOULDER IS TO HAVE MORE THAN A 2% CROSS SLOPE OR MORE THAN A 5% LONGITUDINAL SLOPE.
 - REFER TO ARCHITECTURAL PLANS FOR PROPOSED BUILDING LAYOUT.
 - ALL PARKING STALLS ARE TO BE 9 FEET WIDE BY 18 FEET LONG.
 - ACCESSIBLE ANGLES SHALL BE STRIPPED PER MN CODE SECTION 502.2 WHERE "NO PARKING" SIGNAGE WOULD OBSTRUCT A CURB RAMP OR ACCESSIBLE ROUTE.
 - THE COMPENSATION IS TO CONDUCT THE CUT OF WHERE BARS TAKE THE MAXIMUM FOR THE EXACT PLACEMENT OF FIRE LINES, YELLOW-PAINTED CURBING AND NO PARKING AREAS FOR FIRE PROTECTION PURPOSES.
 - REFER TO STRUCTURAL PLANS FOR SLOPE DETAILS. ALL WALKS ARE TO BE CENTERED ON THE DOORS.
 - INSTALL APPROPRIATE EXPANSION MATERIAL WHERE CONCRETE IS ADJACENT TO BUILDING FACE.
 - INSTALL NEW PAVEMENT AND EXISTING PAVEMENT. NO ADJACENT GRADE TRANSITIONS OR POONDING OF WATER WILL BE ALLOWED.
 - MATCH NEW CONCRETE CURB AND GUTTER INTO EXISTING. NO ADJACENT GRADE TRANSITIONS OR POONDING OF WATER WILL BE ALLOWED.
 - CONSTRUCTION WALKWAYS SHALL BE 12" WIDE. COORDINATE REMOVE LIMITS WITH SITE DEMOLITION CONSTRUCTION AND PAVEMENT/DRIVEWAYS.
 - REFER TO SPECIFICATIONS FOR GRADE VERIFICATION SURVEY REQUIREMENTS PRIOR TO PLACEMENT OF SUB-BASE MATERIAL, BASE MATERIAL, AND PAVEMENT/DRIVEWAYS.

C300
PAVING AND GEOMETRIC PLAN
NOT TO SCALE

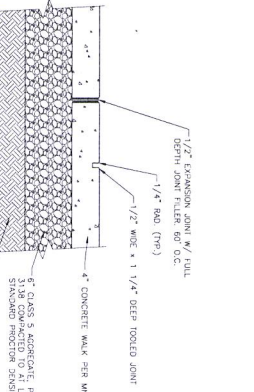


8
ACCESSIBLE SIGN AND POST - IMPERVIOUS SURFACE
C300
NOT TO SCALE

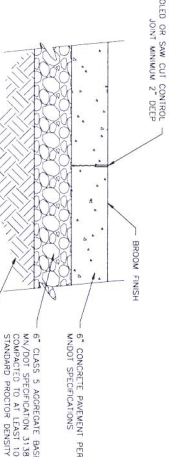
5
HEAVY-DUTY BITUMINOUS PAVEMENT
C300
NOT TO SCALE



6
LIGHT-DUTY BITUMINOUS PAVEMENT
C300
NOT TO SCALE

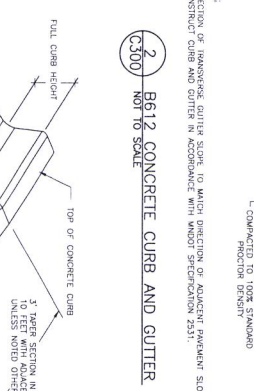


7
CONCRETE SIDEWALK (TYP.)
C300
NOT TO SCALE

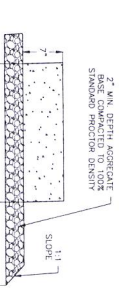


9
CONCRETE PAVEMENT
C300
NOT TO SCALE

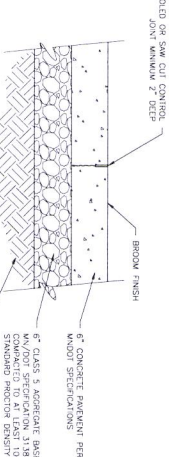
2
BR12 CONCRETE CURB AND GUTTER
C300
NOT TO SCALE



3
NOSING-DOWN CURB SECTION
C300
NOT TO SCALE



4
FLAT CURB/CONCRETE EDGER
C300
NOT TO SCALE



9
CONCRETE PAVEMENT
C300
NOT TO SCALE

| ISSUE RECORD | |
|--------------|---------------|
| ISSUE # | DESCRIPTION |
| 1/11/2001 | CLP SUBMITTAL |

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

NAME: KEITH A. MATTE
DATE: January 11, 2001 REG. NO. 45674

CIVIL ENGINEER:
BKBM
6120 Earle Brown Drive, Suite 700
Minneapolis, MN 55425-2510
Phone: (763) 843-0420
Fax: (763) 843-0421
WWW.BKBM.COM
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WHITE BEAR LAKE, MN 55127

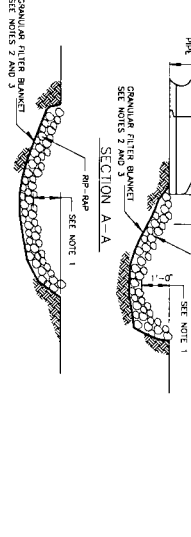
PAVING AND GEOMETRIC PLAN

PROJECT NO: 10599
DRAWN BY: SIA
CHECKED BY: KAM
C300

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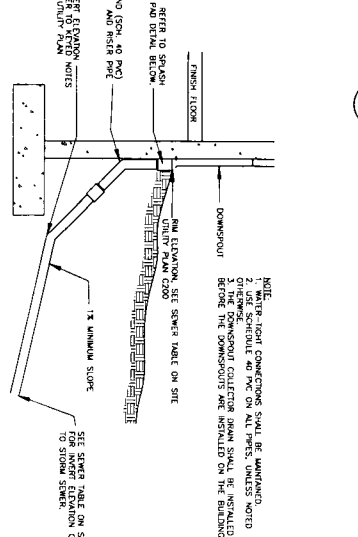
BRUSH REQUIREMENTS

| NO. OF BRUSHES | NO. OF BRUSHES PER 100' OF PERIMETER | BRUSH LENGTH (IN.) | BRUSH WIDTH (IN.) | BRUSH WEIGHT (LBS.) |
|----------------|--------------------------------------|--------------------|-------------------|---------------------|
| 1 | 1 | 12" | 4" | 4.1 |
| 2 | 2 | 12" | 4" | 8.2 |
| 3 | 3 | 12" | 4" | 12.3 |
| 4 | 4 | 12" | 4" | 16.4 |
| 5 | 5 | 12" | 4" | 20.5 |
| 6 | 6 | 12" | 4" | 24.6 |
| 7 | 7 | 12" | 4" | 28.7 |
| 8 | 8 | 12" | 4" | 32.8 |
| 9 | 9 | 12" | 4" | 36.9 |
| 10 | 10 | 12" | 4" | 41.0 |
| 11 | 11 | 12" | 4" | 45.1 |
| 12 | 12 | 12" | 4" | 49.2 |
| 13 | 13 | 12" | 4" | 53.3 |
| 14 | 14 | 12" | 4" | 57.4 |
| 15 | 15 | 12" | 4" | 61.5 |
| 16 | 16 | 12" | 4" | 65.6 |
| 17 | 17 | 12" | 4" | 69.7 |
| 18 | 18 | 12" | 4" | 73.8 |
| 19 | 19 | 12" | 4" | 77.9 |
| 20 | 20 | 12" | 4" | 82.0 |



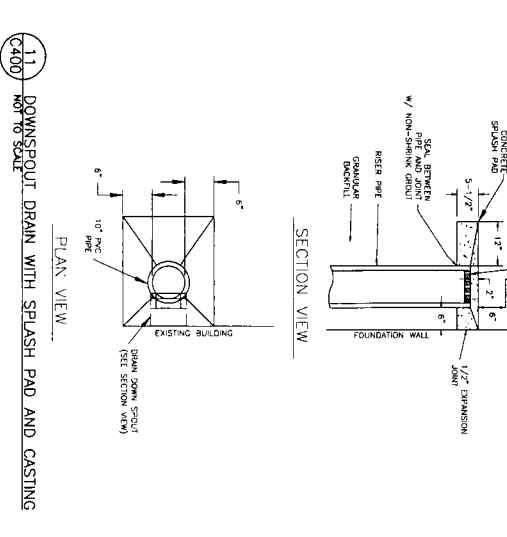
NOTES:
 1. FOR EACH CURB, THERE SHALL BE 1" OF GRANULAR FILL BETWEEN CURB AND RIP-RAP.
 2. THE RIP-RAP SHALL BE PLACED TO THE TOP OF THE CURB.
 3. THE RIP-RAP SHALL BE PLACED TO THE TOP OF THE CURB.
 4. RIP-RAP SHALL BE PLACED TO THE TOP OF THE CURB.

C400 NOT TO SCALE



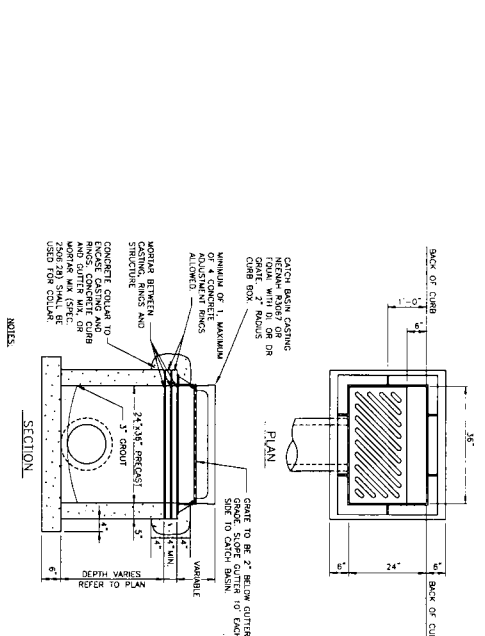
NOTES:
 1. WATER-TIGHT CONNECTIONS SHALL BE MAINTAINED.
 2. THE DOWNSPOUT SHALL BE INSTALLED TO THE FINISH FLOOR.
 3. THE DOWNSPOUT SHALL BE INSTALLED TO THE FINISH FLOOR.
 4. THE DOWNSPOUT SHALL BE INSTALLED TO THE FINISH FLOOR.

C400 NOT TO SCALE



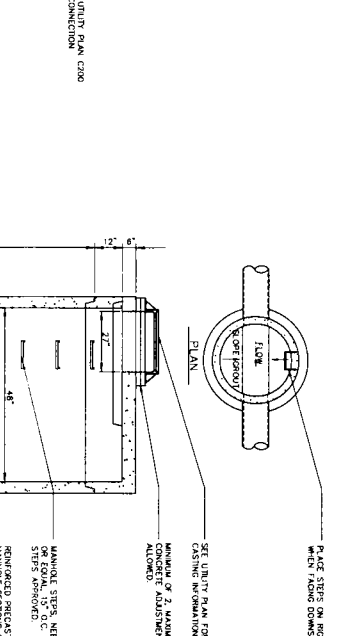
NOTES:
 1. A CONCRETE SLOPE SHALL BE PROVIDED AROUND THE CONCRETE CURB.
 2. THE CONCRETE CURB SHALL BE 4" THICK.
 3. THE CONCRETE CURB SHALL BE 4" THICK.

C400 NOT TO SCALE



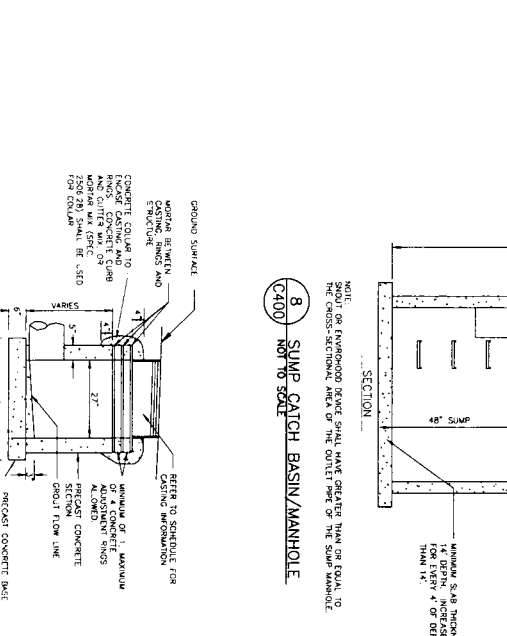
NOTES:
 1. REINFORCED CONCRETE SHALL BE PROVIDED.
 2. THE CONCRETE CURB SHALL BE 4" THICK.
 3. THE CONCRETE CURB SHALL BE 4" THICK.

C400 NOT TO SCALE



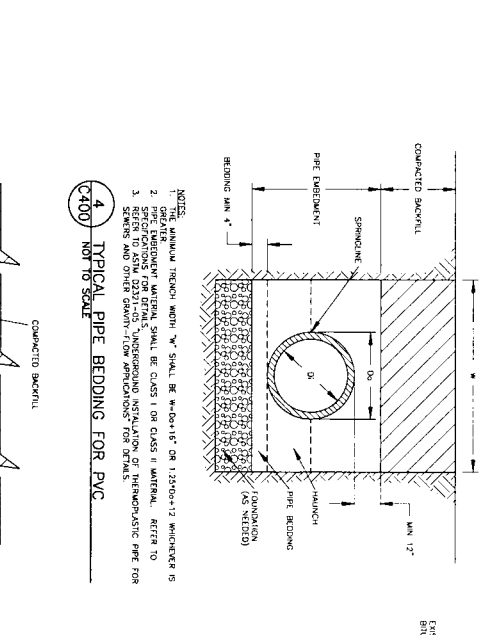
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C400 NOT TO SCALE



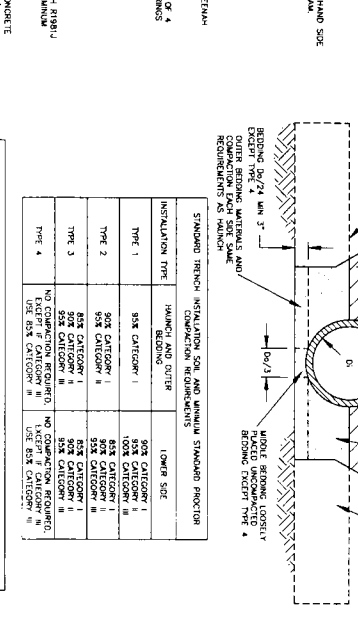
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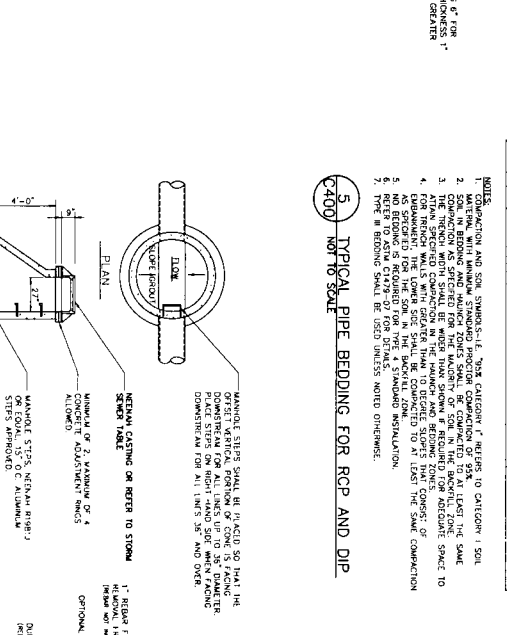
NOTES:
 1. A CONCRETE SLOPE SHALL BE PROVIDED AROUND THE CONCRETE CURB.
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C400 NOT TO SCALE



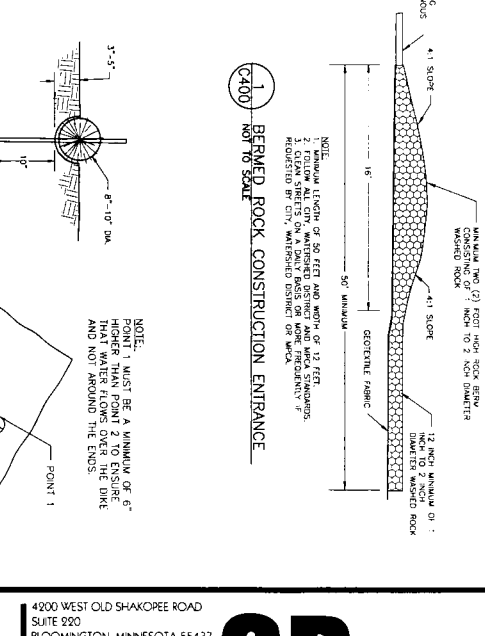
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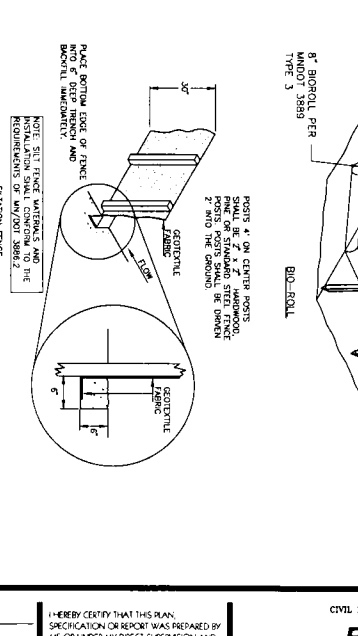
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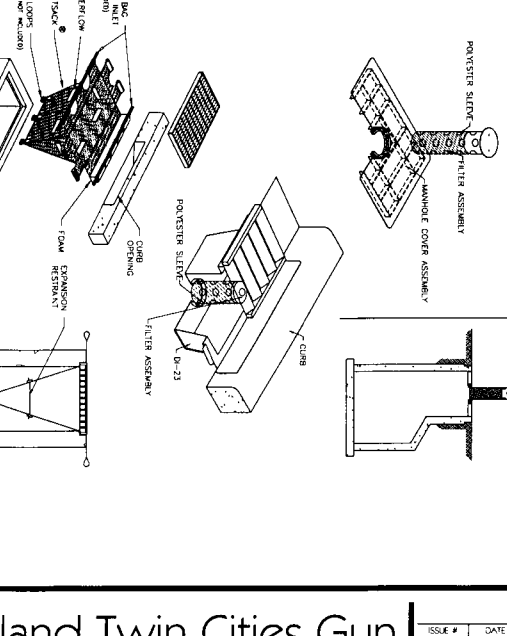
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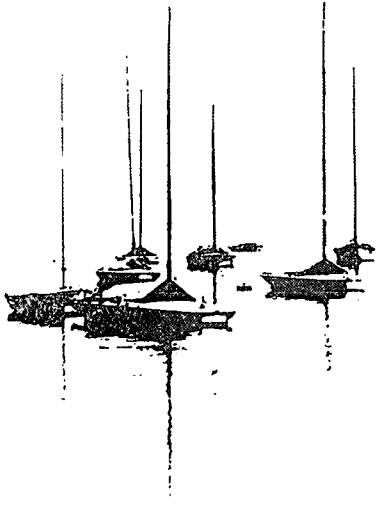
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C400 NOT TO SCALE



City of White Bear Lake

4701 Highway 61 • White Bear Lake, Minnesota 55110

Phone (651) 429-8526 • Fax (651) 429-8500

www.whitebearlake.org

January 27, 2021

Brian Kroonblawd
4350 Centerville Road
White Bear Lake, MN 55110

RE: Heartland Gun Club CUP; Case # 21-2-CUP

Dear Mr. Kroonblawd,

We have reviewed the above-referenced land use application received on January 11, 2021. This application is technically complete, though additional information is needed to allow City staff to more fully understand the proposal, identify the applicable code provisions, develop a recommendation, and to accurately convey the proposed use to the Planning Commission and the City Council. Section 1301.050, Subd.2.a requires an application for a conditional use permit to contain “detailed written and graphic materials fully explaining the proposed development or use.” Additionally, Section 1301.050, Subd.2.f indicates that “City staff shall have the authority to request additional information from the applicant concerning operational factors . . . said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Code.” Rather than delaying this matter by deeming the application incomplete, we simply ask for the additional information so the City has a more complete understanding of the proposed uses.

To that end, we would appreciate it if you would please provide the City answers to the following questions prior to 9:00 am on Monday, February 8th.

1. As mentioned during the pre-submittal meeting, and again in and email dated January 12th, please provide additional information about the company and its business plan for this location, such as:
 - a. Do you have any other locations? If so, where are they located?
 - b. How many years has the company been in business?
 - c. Will the club be private, open to the public, or some combination thereof?
 - d. How many employees do you anticipate?
 - e. What will be the days of the week and hours of operation?
 - f. Any other information that will be helpful to explain the proposed use and its proposed operations.
2. What is the proposed security plan?
3. What will be stored in the main storage area?

4. Approximately 3,000 square feet is labeled as “multi-purpose” on the floor plan. Without a definitive use as defined by the building code, we are unable to accurately calculate occupancy load. Also, parking requirements may be impacted by the actual use of these spaces. Please identify the specific use of each “multi-use” area.
5. The first page of the Stantec memo (attachment #6 of attorney’s letter) lists “classroom” as one of the uses within the building. Please identify the classroom area on the floor plan and provide the square footage thereof. Also, what is the anticipated capacity (number of students) and frequency of classes?
6. In relation to the parking associated with the storage portion of the building, please provide the number of company-owned vehicles and the number of employees on the maximum shift.

The City would also like to make you aware of several issues identified when reviewing the application materials. These items do not make the application incomplete, but they will need to be addressed as noted below:

1. Please note that per the zoning code definition, the property “abuts” residential (the townhomes located across Centerville Road in Vadnais Heights). Therefore, we must also process a CUP for commercial abutting residential per Section 1303.180, Subd.4.e. We will not charge an additional CUP fee for this part of the request.
2. Also, per Section 1302.050, Subd.4.h.17.c, the proposed expanded hard-surface does not meet the 15 foot setback required from the I-35E side. Staff would be supportive of a variance from this requirement. If desired, please amend the narrative to include the variance request and pay the \$500 variance fee prior to **noon on Wednesday, February 3rd**. If a variance is not processed, the plan must be revised to meet the setback requirement prior to seeking a building permit.
3. Page 3 of the Stantec memo references sheet A310 “Sign and Elevation Details”. This sheet was not provided. As noted on page 3 of the Taft memo, a condition of the CUP for retail sales is that “all signing and information or visual communication devices shall be in compliance with the White Bear Lake Sign Code”. Without this information, we are unable to determine whether this criteria is being met. However, a separate permit for signage is required and will not be approved if the application does not meet the requirements of the sign code. The city’s sign code is available for review anytime at https://www.whitebearlake.org/sites/default/files/fileattachments/administration/page/1771/chapter_1202.pdf

The following additional items will also need to be addressed prior to seeking a building permit:

1. The civil plans cannot be reviewed until Stormwater calculations are submitted. Prior to the issuance of a building permit, the stormwater calculations must be reviewed, and the final civil drawings approved, by the City Engineer. Please refer to our Engineering Design Standards for Stormwater Management for the City’s requirements. Additional engineering comments will be provided upon review of the stormwater calculations.

2. Due to possible clay type soils and the proximity of the existing pond, further soil and groundwater investigations need to be conducted to determine if infiltration is feasible on this site. Prior to the issuance of a building permit please provide at least one soil boring at the location of the proposed underground infiltration basin. The soil boring(s) must include the elevation of the seasonally high water table. If groundwater is encountered, the infiltration basin needs to be designed to provide a minimum of three feet of separation from the seasonal high-water table. If infiltration is not feasible due to clay soils and/or high groundwater, the City's Engineering Design Standards for Stormwater Management allow for alternative treatment options. Please submit the geotechnical report for review when available.
3. Per Section 1302.030, Subd.6, walls in excess of 4 feet in height are prohibited. The retaining wall along the east side of the lot exceeds 4 feet. Prior to the issuance of a building permit, the plan must be redesigned to comply.
4. Per Section 1302.050, Subd.4.h.16, all parking lots in excess of 20 spaces shall provide interior landscaping at the rate of 144 square feet of landscape island for every 10 parking spaces. With 65 parking spaces, 936 square feet of landscape island is required. In order to "count" landscape islands must be at least 8 feet in width back to back. Prior to the issuance of a building permit, the plan must be redesigned to comply.
5. The size and type of existing trees on site are not identified, therefore the Tree Preservation Calculation could not be done and it is unknown if the trees provided on the proposed landscape plan meet code. This additional information must be provided, and if necessary the landscape plan must be revised to comply, prior to building permit.
6. As page 5 of the Taft letter points out, the site development plan should show the location of all adjacent buildings located within 350 feet of the exterior boundaries of the property. A survey is required at the time of building permit – please ensure it includes this extent.

If you have any questions about the above-listed items or the review and approval process, I can be reached at either 651-429-8534 or scrosby@whitebearlake.org.

Sincerely,



Samantha Crosby
Planning & Zoning Coordinator

Heartland Management and the Retail Operations at 4350 Centerville Road

Introducing the next generation in firearm's facilities. Heartland Gun Club and Range's premier facilities offers state-of-the-art indoor lanes and a retail store selling sporting goods. This facility at 4350 Centerville Road will be managed by Heartland Management (Heartland).

The current land and building owner Brian Kroonblawd is very excited about this opportunity to bring an indoor recreation facility to White Bear Lake and the surrounding communities. With Heartland managing the property and day to day operations, Brian will be involved in plugging into the community to let people know about Heartland. Heartland intends to be a good neighbor to our neighbors in the area and give back to the communities that we serve.

Heartland, which was founded in 2016 is currently the manager of an indoor shooting range and sporting goods retailer located in Rochester, Minnesota. Heartland in White Bear Lake will be open to the public and should have around fifteen to twenty employees all of whom will be paid a living wage and it is in the company plans to offer both health insurance and 401(k) plans to employees. The hours of operation will vary by day of the week and season but typically the facility will be open from 9:00am until 9:00pm

Heartland's Standard Operating Procedures and Safety plans are attached to this email. These plans lay out what procedures and protocols are to be used in various situations. Regarding our security systems the systems will be state of the art and include motion sensors, broken glass sensors, cameras and both silent and active alarms throughout the facility.

The facility as planned consists of a retail area which will have various types of sporting goods equipment. This inventory will be stored in our main storage area. Regarding other areas in our building plans as the result of Covid we have adjusted both our business and space plans to include more office space which will be used by the Heartland Executive team who will provide executive services to both current and future Heartland locations. Other spaces that were potentially going to provide other services to our guests have been repurposed as additional storage or office space.

We do not have any company owned vehicles that will be on the property and the number of employees at the property will typically be between three and five employees.

Along with this narrative we will be providing the City five copies of the following:

A040 Site Plan, A200 Floor Plan and A310 Sign Elevations and Detail for the Monument and Pylon signs.

Regards,

Brian Kroonblawd & Pat Egan



Standard Operating Procedures
And
Safety Plans

Purpose

This procedure outlines the rules and regulations governing the use of the indoor gun range located at the Heartland Gun Range & Club at 5105 Commercial Drive Southwest, Rochester, MN, 55902. While shooting incidents are rare on ranges, the following range rules and regulations are established to ensure safety and discipline for individuals using the range as well as the safety for our neighbors and surrounding properties.

General

Live fire conducted at the range is designed to provide authorized personnel access to a facility where they can become proficient with firearms and practice both individual and group shooting sports. Individuals using the range shall become familiar with these safety rules and procedures before using the range. The range safety rules and procedures help to provide range supervision and allow for enforcement of these rules to reduce or eliminate incidents from occurring. All users are required to abide by and enforce these rules. All users are expected to politely point out to any user in violation of these rules, the nature of the violation, request they stop and if continued the violation occurs, report the incident along with his or her name, if possible, to the Range Officer on duty or the Rochester Police Department for further action.

Definitions

Approved Firing: deliberate, controlled and aimed fire, which results in every shot hitting the impact berm.

Firing Line: that part of the range where shooting benches are placed designated as a Live Fire Activities area.

Live Fire Activities: an activity that involves the firing of a gun. Individuals involved in a live-fire activity include the shooter, Range Officer, and supporting personnel such as scorekeepers, timers, and other individuals participating in a shooting activity on a Hot Range.

Range Officer: an employee or designee of Heartland Gun Club & Range that is charged with monitoring and enforcing all rules outlined in this SOP as they pertain to the indoor range use.

Rapid Firing: firing more than two shots in one second.

Uncontrolled Firing: firing from the hip, firing a rifle/carbine/shotgun without the butt of the stock against the shooter's shoulder, or any other type of firing in which the firearm is not aimed

by having the shooter's eye aligned with the firearm sights and the sights aligned with an approved target.

Cease Fire: shooters stop shooting, firearms are cleared of all ammunition and placed on shooting bench with actions open and muzzle pointed downrange.

Hot Range: no Cease Fire is in effect; guns may be handled and fired.

Cease Fire Range: Cease Fire is in effect, stay away from shooting benches and NO HANDLING FIREARMS.

Range Use Requirements

The use of the Heartland Gun Club & Range gun range is covered by these Standard Operating Procedures (SOP's). These SOPs define what every person engaged in live-fire activities must know before being permitted to use the indoor range facility. These SOPs define what every member and the public participant must know to utilize the Heartland Gun Club & Range's range.

Ammunition Restrictions

1. Only uncase firearms in the shooting lane, do not have any uncase firearms outside of the shooting lanes
2. Guns will be kept unloaded with the action open pointing down range while not in use
3. No drawing from a holster; no holster drills
4. No kneeling or prone shooting allowed
5. Do not pass firearms between shooters
6. Do not change firing lanes
7. Do not shoot at other lanes targets
8. Paper and cardboard targets are allowed. They must be placed on the Meggitt carriers. Ensure targets are full-sized so you are not hitting the carrier or the track.
9. If your firearm malfunctions and you cannot clear it, place the firearm pointed downrange and ask a Range Staff or Range Safety Officer for assistance
10. Anything under **3,300 FPS is permitted**
11. **No steel or aluminum cased ammunition**
12. **No steel core or steel jacketed projectiles**
13. **No buckshot, only Slugs**
14. **No tracers or incendiary rounds**
15. **No black powder**

Range Safety Officers

All RSOs on duty are required to have taken the NRA Range Officer training and possess a certificate identifying them as an NRA certified RSO.

Everyone using Heartland Gun Club & Range's range must first sign Heartland's waiver. A designated RSO will always oversee the firing line(s) and range.

The RSO on duty is tasked with:

- Ensuring that all Heartland's members, guests, and customers adhere to the rules and SOPs in this document.
- Stopping and addressing any unsafe behavior. The RSO will address an individual to inform and point out all unsafe behavior and ensure that they are aware of any safety concerns. The RSO may call a "Cease Fire" and address the entire line at his/her discretion.
- Escorting anyone out of the range if the person(s) are deemed a safety risk to others on the range.

- Require anyone shooting on the range to be given additional training before being allowed to shoot on the range again.
- Reporting to Heartland's management any incidents on the range to include:
 - Accidental discharges
 - Personal injuries such as slide bites, forehead scope hits, etc. that draw blood
 - Any other incidents deemed reportable

Authorized Matches

It is the intention of Heartland Gun Club & Range owners to attract and host organized shoots and competitive matches. These are shoots and matches such as IDPA or USPSA. It is also the intention to work with organizations such as The Well-Armed Woman and many more who have an interest in the shooting sports. The Heartland's management will designate a Match Coordinator to oversee a given shoot/match. The Match Coordinator may be an employee of Heartland or a designated person from a 3rd party having a vested interest in the shoot/match. If the Match Coordinator is a designated person from a 3rd party, a Heartland employee will be designated as a liaison to the 3rd party in support of the shoot/match. All events must be scheduled and planned out with Heartland's management to ensure the necessary schedule, supplies, resources, and logistics can be obtained. All planned, scheduled, and approved shoot/matches take precedence over any individual or personal activity.

The Match Coordinator is tasked with:

- Conducting competitive shoot/matches within the planned schedule approved by Heartland's management.
- Ensuring all necessary resources such as RSO and any other needed safety personnel are in attendance while the shoot/match is taking place.
- Conducting the shoot/matches with the primary goals of safe shooting for the Participants.

Range Rules

The rules for using the range are outlined as follows, along with noting any unique rules.

Liability Waiver and Age Restrictions

All users of Heartland's range must fill out and sign a liability waiver.

1. Eyewear and ear pro **MUST BE WORN AT ALL TIMES WHILE INSIDE THE RANGE**
2. You must listen to any direction the Range Safety Officers give you or Range Staff
3. Remember your gun safety rules while handling your firearm at all times

a. Treat Every Gun as If It Were Loaded

b. Always Point Your Gun in A Safe Direction

c. Never Point Your Gun at Anything You Do Not Intend to Shoot

d. Keep Your Finger Off The Trigger Until You are Ready to Shoot

e. Be Sure of Your Target and What's Beyond

4. There are no pregnant women allowed in the range due to lead exposure
5. No children until 10 will be permitted in the range. All minors under the age of 17 and all handgun shooters under 20 **MUST** always be accompanied by a parent or guardian over 21.

6. No more than 3 persons to one lane
7. No smoking, vaping, or tobacco use in the range
8. No food or drinks in the range due to lead exposure
9. Consumption of alcohol or drugs before, or while at the range is prohibited
10. Appropriate clothing and closed-toed shoes must always be worn to minimize hot brass against the skin
11. Users must purchase Heartland's ammunition if renting Heartland's firearms

NOTE: The RSO on duty is tasked with the authority to require anyone shooting on the range be given additional training before being allowed to shoot on the range again.

Range Safety

Range Commands

To indicate an emergency or hazardous condition:

"CEASE FIRE"

To stop all shooting routinely or, in the case of an emergency, immediately. Participants immediately stop shooting, continue to keep the muzzle pointed downrange, remove finger from the trigger, unload and clear the firearm placing the firearm on the bench with the chamber in view and wait for further instructions.

"MISSFIRE"

To notify the RSO and other participants that a round did not fire when the trigger was pulled and to alert other shooters along the line that a hazardous condition may exist.

"CEASE FIRE - ACTIONS OPEN, SAFETIES ON!"

To notify the shooters to stop firing immediately and all chambers and magazines are unloaded and shooters leave the firing line with the actions of their firearms open.

"RANGE IS CLEAR, YOU MAY HANDLE YOUR FIREARMS"

Shooters may approach the firing line and handle their firearms since no personnel are down range.

Firearms Carry & Handling

1. Except when shooting on the range, all firearms must be cased.
2. Firearms in a bag or case must remain in the bag or case when transporting them between the parking lot, lounges, and range.
3. Hot Range Procedure: proceed to a shooting bench as directed by the RSO. Uncase the firearm at the front bench. No firearms can be uncased outside the stall.
4. Cease Fire Procedure: Remain behind the firing line and do not uncase any firearms until the cease-fire has been completed and the range is back to a hot range status. Uncase the firearm with the muzzle pointing downrange ensuring the action is open, only take magazines and ammunition out of the case for the firearm to be shot.

Cease Fire Procedure

1. When a verbal "Cease Fire" is heard all shooting must stop immediately, unload firearm ensuring the chamber is empty and remove magazines.
2. Fix actions open and insert empty chamber flag

3. Place firearms on the bench with muzzles pointed downrange.
4. Before anyone moves downrange, all persons must move to the backbench and acknowledge the cease-fire verbally or visually to the RSO.
5. No firearm handling during a cease-fire.
6. Anyone handling a firearm during a cease-fire or carelessly sweeping people on a Hot Range should be reported to the RSO.
10. AT ALL TIMES THE NRA GUN SAFETY RULES MUST BE OBSERVED:
 - a. Always keep the gun pointed in a safe direction
 - b. Always keep your finger off the trigger until ready to shoot
 - c. Always keep the gun unloaded until ready to use

Firing Line Rules

1. Eye protection is always mandatory on the range to include staging areas.
2. Ear protection is mandatory at all time in all range designated areas during Hot Range (live fire) activities.
3. Shooters must only shoot in their prospective shooting lane.
4. During a cease-fire, all firearms are to be unloaded.
5. No one is allowed forward of the firing line.
6. Once on the firing line, a firearm's muzzle must always be pointed downrange.
7. Loaded firearms must always be pointed downrange with barrel horizontal.
8. Only shooting from the bench is allowed.
9. Shoot only at designated targets.
10. If there is a misfire be sure to keep the muzzle pointed down range (preferably on target) for at least 30 seconds in case it is a hang fire.
11. After a misfire or jam, the firearm must be cleared. A misfire is when a cartridge does not fire after the primer has been struck by the firing pin. A hangfire is a perceptible delay in the ignition of a cartridge after the primer has been struck by the firing pin. The normal procedure for handling misfires or hang fires is to:
 - i. Keep the gun pointed downrange (safe direction).
 - ii. Wait at least 30 seconds in case it is a hang fire.
 - iii. Squib load is when there is less than normal pressure or bullet velocity after the ignition of the cartridge and the bullet gets lodged in the barrel. The normal procedure for handling a squib load is:
 1. Stop firing immediately
 2. Keep the gun pointed downrange
 3. Unload the gun - make sure the chamber is empty
 4. Insert a cleaning rod down the barrel from the chamber end (if possible) to make sure the bullet is not lodged in the barrel.
15. Only one person shooting per lane.
16. Smoking is not allowed under any circumstance on the range. Smoking is only allowed in a designated area outside the building.

17. IN ALL CASES THE RSO'S DECISIONS ARE FINAL AND BINDING. HIS/HER DECISIONS ARE BASED ON THE CURRENT SITUATION AS IT EXISTS, AND HIS/HER JUDGEMENT DICTATES. THE RSO'S DECISIONS MAY SUPERCEDE THE GENERAL PRINTED RULES OR SOP.

NRA Hygiene Guidelines

- Refrain from eating, drinking, smoking, applying makeup, or otherwise placing hands in proximity to the mouth or nose while on the range or cleaning a firearm.
- Wash your hands and face with soap and water after leaving the range or cleaning area before eating or drinking.
- Change and wash clothing after a shooting or gun cleaning session to minimize exposure to airborne particulate lead or solvent and cleaning product residues.

Emergencies and Incident Reporting

In the event of an Emergency please follow these procedures:

1. Cease Fire Immediately.
2. Notify the RSO.
3. Follow all instructions given by the RSO.
4. Offer assistance if you are able.
5. Take charge of the situation. Determine the seriousness of the injury.
6. Render aid. The first-aid kit is in the RSO duty pack.
7. The manager on duty will call 911 or the appropriate emergency number(s).
8. Direct help to location. Stand post by the front entrance.
9. Take notes as soon as practical. Interview witnesses and get written statements.

Incident report sheets are in Retail Area

First Aid Procedures

All personnel rendering first aid should be aware of the precautions surrounding bloodborne pathogens in the event of an accident. The following guidelines should be followed if someone is injured and you encounter biohazardous materials including but not limited to: blood, secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, any body fluid visibly contaminated with blood, any un-affixed organ or tissue from a human living or dead, and the disposal of cleaning items and first aid dressings. Universal precautions should be used; all blood and body fluids listed above must be treated as potentially infectious.

Government guidelines can be found at www.OSHA.gov, search for OSHA Occupational Exposure to Bloodborne Pathogens.

Personal Protective Equipment

The following equipment should be used when encountering biohazardous material:

1. Gloves, eye, and face protection
2. Fluid-proof over garments
3. Shoe coverings
4. Resuscitation mouthpieces for CPR

Procedure for Cleaning Surfaces Contaminated with Biohazardous Material

Only those personnel trained and designated as the Bloodborne Pathogen Team should be in charge of the cleanup procedure. In addition to training, everyone should be inoculated for Hepatitis C. Your local physician can administer the vaccine regimen.

1. An approved Bloodborne Pathogen Cleanup Kit must be used for cleaning if at all possible.

2. If a large amount of blood or other biohazardous material exists on surfaces or the equipment, the area must be roped off with "Caution Biohazard" tape. The personnel in charge of the cleanup must adorn whatever amount of personal protective equipment is needed for protection. The biohazardous material must be wiped up with paper towels or sprinkled with liquid-congealing powder. The paper towels or powder must then be placed in a red biohazard bag.

3. The surface, floor, or equipment must then be decontaminated using an approved germicidal liquid. The solution must remain on the surface for ten minutes or as directed and then wiped off with water. In addition to commercially available germicides, a 1-part solution of sodium hypochlorite (common household bleach) to 10 parts water prepared daily is an effective germicide.

4. For a small drop of blood or other biohazardous material that exists on a surface or equipment wipes off with approved germicidal liquid. Do not use rubbing alcohol as a cleaning solution as it does not kill viruses. The solution must remain on equipment or surface for 10 minutes and then wipe off with water.

Disposal of Contaminated Material (i.e. paper towels, personal protective equipment, saturated dressing):

All contaminated materials including personal protective equipment must be placed in a red biohazard bag: the bag must be closed with a metal twist closure or tied in a knot. The bag must then be taken to a Biohazard Laboratory for proper disposal.

Safety Incident Report

Documented by: _____

Date: _____

Name of person(s) involved:

Indicate type of incident: Accidental Discharge χ Personal Injury χ

Property Damage χ Near Miss χ Other _____

Circle the appropriate response

Was the person(s) involved a member of Heartland? _____

Was the accident the result of firearm/equipment malfunction? _____

Did the accident seem to be the result of improper / disregard for / lack of training / lack of firearm and safety education? _____

Was First Aid administered? _____

Was 911 or other emergency personnel called to the scene? _____

Was CPR or use of the defibrillator required? _____

Were bodily fluids/biohazardous materials thoroughly cleaned up? _____

First-Aid kit need refilled. _____

Biohazard Kit need refilled? _____

All "NO" answers or "Other" types of incidents must be commented on the next page.

(Add additional blank pages if necessary)

Eyewitness Form

What did you see? _____

What did you hear? _____

What did you do? _____

Employee Standard Operating Procedures

Heartland Gun Club & Range holds their employees to high expectations for customer service. Heartland's mission is to provide a shooting experience that fosters community, family, and friendships. We offer an engaging and safe environment, aimed at enhancing the knowledge, skill, and enjoyment of shooting sports for all participants. We need a solid staff that can work together to make that mission happen. Our expectations are simple, to provide the best customer service we possibly can. From buying a box of ammunition to teaching a class, ensuring each customer leaves our building knowing more than before walking in.

Employee Phone Policy

Employees are to have their cell phones on silent/vibrate while on the clock. Employees must not use cell phones on the sales floors or the lounges. Especially in front of or near customers. If you need to use your cell phone, excuse yourself to the employee breakroom. Employees working 8 consecutive hours get a 30-minute meal break.

Scheduling

Sling is the program all employees will use to clock in and out daily to keep track of their hours. Please remember to clock in or out for your shift each day. If you forgot to send your manager a message that you forgot and what time you would have clocked out at.

Vacations- Full-time employees get 2 weeks of paid vacation. They must be scheduled 2 weeks ahead of time. If less time is given you must find someone to take your shift for you.

Sick Days- Call your manager as soon as you know you will not be able to make it into work. If Heartland continues to see issues with calling in right before the shift starts, a meeting will be held on whether this is the right fit for you.

Training

Every staff member at Heartland must be NRA Range Safety Officer certified. Each Heartland staff member **MUST** know their 4 firearm safety rules before working.

#1 Treat all guns as if they are always loaded.

#2 Never let the muzzle cover anything that you are not willing to destroy.

#3 Keep your finger off the trigger until your sights are on target and you have made the decision to shoot.

#4 Be sure of your target and what lies beyond it.

Each employee will get computer training on Axis, Meggitt, and the ProImages. If at any time you need to request more training, speak to your manager to set up a time for training.

Store Phones

Heartland has 4 phones that we want staff to answer. The proper way to answer the phones is as follows.

“Heartland Gun Club & Range, this is (your name), how can I help you?”

If you do not know the answer to the question the customer is asking, respond,

“I’m going to get (Blanks name) to get a definite answer on that question for you.”

Staff Range Etiquette

We have high standards set for our employees and how they should act on the range while working and not.

While RSOing on the range:

- **Your phone should never make an appearance (put it away, eyes on the range)**
- The stools are for customers
- Be checking the customers are keeping with their firearm safety rules
- They are only using brass ammo
- They are not uncasing firearms at the back
- Brass is being kept out of the way (it can be a slip and fall hazard)
- Trashes are empty
- Proimage cardboard has no holes in them
- Lanes that are not being used; lights are off
- Do not become complacent, just because something has not happened to you, does not mean it never will

Your priority is **SAFETY** while RSOing! Customers should be able to look back and see that you are paying attention and watching.

Never should an uncased firearm be outside the stall. A firearm should only be pointed down range while shooting. If the customer is not using the firearm it must lay on the bench with the action open, muzzle pointed downrange.

No steel or aluminum ammo is allowed. We have magnets at the Range Check in to check customer's ammunition each time they come in to shoot.

Watch to check that customers **are not flagging people inside the range**, if this occurs, act and let them know what they are doing is not ok.

If you see someone who is not in the right mind to be on the range, if you feel someone is not being safe and obeying rules, you have the right to escort them off the range.

Heartland Gun Rental Policy

We want to encourage customers to partake in the shooting sports, by doing so we allow them to rent our rental firearms to get a feel for what brand, caliber, or size of firearm they are looking to possibly purchase. For a customer to be able to purchase they must:

- Have a permit to purchase or permit to carry
- Already have their firearm with them
- Have a family member or friend with them at the time of renting

No customer can rent a firearm alone without a permit or his or her firearm.

Shipping Firearms for a Customer

If a customer wants to ship a gun to another store, they must have the following information:

- Buyers information
 - Name
 - Address
 - Phone number
- FFL information
 - Name
 - Address
 - FFL certificate

Long guns cost \$75 to ship

Hands guns are \$50 to ship

Heartland Lounges

COVID19 UPDATE

Clean surfaces after each time the lounge is used. Wipe down anything they might have touched. Be sure to use disinfectant wipes.

Refuge-

It is our responsibility to keep the lounges clean. Ensure the kitchen is stocked. Rugs are vacuumed. The bathrooms are clean as well. All flat surfaces are wiped down.

The Refuge lounge door should always stay closed.

Patriot-

Take the time to make sure the patriot stays in good looking shape, the carpet is vacuumed, flat surfaces are cleaned, and the snacks are filled.

Training room-

Keep the room vacuumed, check the board for upcoming classes/events to know the day before when it needs to be cleaned.

It is up to the management to keep the board up to date with what is going on event wise, how many people, and what the room needs to look like for the event.

4473 Firearm Form

Heartland's policy is every firearm must have a 4473 done with it. Which also includes a NICS background check. A NICS check can only be done if you are selling a firearm, otherwise, it is not permitted for use to do random background checks. To correct an error on a 4473 you must draw one line through the mistake, initial it then date it. ~~Mistake~~, like so. Carefully check each box of the 4473 before moving forward with the transaction (It is easier to have the customer fix it right there, then to come back in). We abide by the Brady Law here at Heartland. The Brady Handgun Violence Prevention Act (Brady Law) is an Act of the United States Congress that mandated federal background checks on firearm purchasers in the United States and imposed a five-day waiting period on purchases until the NICS system was implemented in 1998.

Facility Operating Procedures

Store Opening Procedures

Before entering the building, make sure a staff member has unarmed the alarm.

- Retail
 - Turn lights on
 - Get cart of pistols out of safe
 - Set pistols out
 - Set AR pistols out
 - Set rental pistols out
 - Take out cash drawers
 - Set cash drawers to \$300
- Refuge
 - TVs on
 - Fireplace on (depending on weather)
 - Open the steel door to the range
- Range
 - Turn on all Prolmages so the screen says "XWT Prolmage"

- Patriot Lounge / Training room
 - TVs on
 - Fireplace on (depending on weather)

Unlock doors at the appropriate time of store opening

Store Closing Procedures

Ensure every item is checked off before arming the building and leaving

- Check the store to make sure all customers have left
- Lock front doors (both sets of doors)
- Refuge
 - Fireplaces are off
 - TVs are all off
 - No garbage laying around
 - Steal door into range is shut
 - Lights are off (light pad located near retail entrance door)
- Range
 - All stall lights are off
 - All carrier lights are off
 - Both sticky pads have been replaced in the entrances
 - Both bays are clear of brass
 - Stools are back under the counter
 - All carriers are home
 - All carriers are front-facing
 - Prolmage projectors are turned off
 - Prolmage targets are
 - Clear of shots (pasties are on)
 - Or a new sheet has been put on
 - **RANGE VENTILATION IS TURNED OFF**
 - All lights are off
- Retail Area
 - All pistols are put on the cart (Barrel up!)
 - Including AR pistols
 - Rental pistols are on the cart
 - Cart with firearms is locked in safe
 - All countertops are cleaned off for the next day
 - Phones
 - Credit card machines
 - iPad

- Pens
 - Door handles
 - Etc....
- Overhead lights are off
- Patriot Lounge / Training Room
 - Fireplace is off
 - TVs are off

Make sure maintenance room light is off, as well as hallway light, exit and arm the building

Daily Tasks

There is always something to do around the building, pick from the list below, which is also posted by the register, or ask a coworker or manager for knowledge on firearms. You do not know, what you do not know.

Tasks

- **Range**
 - Wipe down with lead-off...
 - Counters
 - ICU / touchscreens
 - Airphones
 - Stall lights
 - Stall counters
 - Light switches
 - Handles entering & exiting the range
 - Empty the trashes

Refuge

- Stock Fridge
- Stock snacks (stock patriot lounge snacks too)
- Clean bathrooms (make sure TP & PT are full)
- Dust (shelves, counters, TVs, flat surfaces)
- Wipe down counters
- Empty garbage's
- Vacuum carpet
- Sweep
- Mop

Patriot Lounge / Training room

- Dust (TVs, flat surfaces)
- Empty garbage's
- Vacuum carpet
- Wipe down counters
- Vacuum hallway carpet

Retail Area

- Sweep
- Mop
- Vacuum Entrance
- Windex entrance windows
- Wipe down steel counters with steel cleaner
- Clean Public bathrooms (make sure TP & PT are full)
- Empty garbage's
- Dust
- Clean Rental Firearms
- Stock...
 - Ammo
 - Pamphlets
 - Heartland Gear
 - Pens
 - Accessories

*Let management know when something is low on quantity so we can order more before selling out.

New Staff Member Onboarding

Name _____

Address _____

D.O.B. _____

Position _____

Rate of Pay _____

Banking-

Bank _____

Routing _____

Checking _____

Social Security Number _____

Filing Status for Exemptions _____

Shirt Size _____

New Staff Member Training Checklist

- Tour of building
- Mask Policy
- Keycard / Black key
- Memberships explained
 - Memorized
- Axis Set up
 - Axis training
 - Checkout
 - Membership
- Customer interactions
- Firearms in safe night/morning
- 4473
- NICS
- Blue Axis
- Range training
 - Safety
 - Etiquette

Brian Kroonblawd CUP; Case # 21-2-CUP

Additional Narrative for Variance Request

In addition to the CUP for the retail sales operation within a portion of the Property under Section 1303.180, subd. 4(c) of the Zoning Code, Applicant also requests a variance pursuant to Section 1301.060, subd. 1.

Applicant seeks a variance from the requirement in Section 1302.050, subd. 4(h)(17)(a)(1) that "all parking and hard surfaced areas (except that portion of the driveway crossing the public right-of-way to give access to the street) shall be: 1) No closer than fifteen (15) feet from any street right-of-way or street easement."

As set forth in the plans submitted with the CUP application, the parking area on the east edge of the property toward I-35E encroaches on the 15-foot setback. The reason for the encroachment is to allow for the surface area needed to provide the necessary number of parking spaces on the property for the project. Applicant respectfully states that all requirements for the requested variance are met:

- The proposed variance will not: (a) impair an adequate supply of light and air to adjacent property, (b) unreasonably increase the congestion in the public street, (c) increase the danger of fire or endanger the public safety, or (d) unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of the Zoning Code.
- The variance is necessary for a reasonable use of the property, and the encroachment limited to the minimum area needed to allow for the necessary parking spaces.
- The variance is in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- The circumstances necessitating the requested variance is not the result of actions of the Applicant (who is the property owner) or a predecessor in title.
- A non-conforming use of neighboring lands, structures, or buildings in the same district is not the grounds for issuance of the requested variance.

As set forth in Ms. Crosby's January 27, 2021 letter, City Staff is supportive of this requested variance.

Please advise if City Staff has any questions or needs any additional information regarding the requested variance. Thank you for your help with this variance request.

Brian Kroonblawd

Pat Egan

From: Pat Egan
Sent: Wednesday, February 03, 2021 2:03 PM
To: Samantha Crosby; brian@tcicompanies.com
Subject: RE: Heartland - Application Response Letter

Hi Sam,

Thank you for your email. The variance request is to extend the hard surface parking area by 10 feet into the 15-foot setback for 200 linear feet along the east edge of the property. Please let me know if you have any other questions.

Thanks for your help.

Brian Kroonblawd & Pat Egan

From: Samantha Crosby <scrosby@whitebearlake.org>
Sent: Wednesday, February 3, 2021 1:17 PM
To: brian@tcicompanies.com
Cc: Pat Egan <pat@navigatorrealestate.com>
Subject: RE: Heartland - Application Response Letter

Hi Brian,

The "Additional Narrative for Variance Request" does not state the amount of variance being requested. How much of a variance are you asking for? (I just want to make sure I'm getting the numbers correct.)

Thanks much,

~ Sam

Samantha Crosby
Planning & Zoning Coordinator
City of White Bear Lake
Office Phone: 651-429-8534
Home Office/Work Cell: 612-444-1337
4701 Highway 61
White Bear Lake, MN 55110

From: Pat Egan <pat@navigatorrealestate.com>
Sent: Wednesday, January 27, 2021 4:15 PM
To: Samantha Crosby <scrosby@whitebearlake.org>
Subject: RE: Heartland - Application Response Letter

CITY COUNCIL MEETING SUMMARY

February 9, 2021

APPROVAL OF MINUTES – Approved**APPROVAL OF THE AGENDA** – Approved**VISITORS AND PRESENTATIONS**

- A. Presentation of 2021 Council legislative priorities to State legislators representing White Bear Lake

Mayor Emerson greeted Senator Chamberlain who made himself available to answer any questions of the White Bear Lake City Council related to the issues the City is experiencing. Senator Chuck Wiger, Representative Peter Fischer and Representative Ami Wazlawik followed by highlighting their committee roles. Mayor Emerson described the City's legislative priorities for 2021 as adopted by the White Bear Lake City Council at its January 26, 2021 regular City Council meeting and answered clarifying questions from Legislators.

PUBLIC HEARINGS – Nothing scheduled**LAND USE** – Approved

- A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Dan Guidinger for a variance at 4955 Johnson Avenue. **Resolution No. 12727**

UNFINISHED BUSINESS – Nothing scheduled**ORDINANCES** – Nothing scheduled**NEW BUSINESS** – Approved

- A. Resolution establishing a Zero Waste Events Policy. **Resolution No. 12722**
- B. Resolution approving Memorandum of Understanding between Ramsey County and the City of White Bear Lake for the South Shore Boulevard project – 2022. **Resolution No. 12723**
- C. Resolution authorizing food trucks at Podvin Park. **Resolution No. 12724**

CONSENT – Approved

- A. Acceptance of Minutes: November Park Advisory Commission, December Environmental Advisory Commission, January Planning Advisory Commission Meeting
- B. Resolution approving the 2021 Pay Equity Compliance Report. **Resolution No. 12725**

- C. Resolution authorizing the use of Railroad Park by Explore White Bear Lake for an ice sculpture event. **Resolution No. 12726**

DISCUSSION

A. Sidewalk snow removal policy

Public Works Director/City Engineer Kauppi stated that every year the City receives calls, both complementary and critical of the City's sidewalk policy, which is why this has been placed under discussion tonight. Mr. Kauppi explained that the City is responsible for the snow removal for sidewalks and trails, however, equipment limitations result in a layer of snow on all sidewalks.

Councilmember Edberg agreed that the sidewalks are an issue in the City, however, he did not have a solution to convey. He observed the sidewalks are not walkable for 3-4 months of the year and mentioned he walks residential streets as result.

Councilmember Jones agreed, however, he opposed an ordinance which punishes 20% of the residents who have a sidewalk component to take care of while 80% of the residents do not have this responsibility. He suggested forming a sub-committee for improving the walkability of the City's sidewalks and trails and noted that this activity is here to stay. He believed this sidewalk issue needs to be addressed and the costs ascertained for various solutions.

City Manager Hiniker asked residents to the extent possible, to shovel their sidewalks because the City prioritizes streets over sidewalks and cannot clear them to the pavement with the equipment and staff time available.

Councilmember Edberg wanted the cost of alternatives for consideration. He felt it would be useful in providing more solid justification to residents moving forward.

COMMUNICATIONS FROM THE CITY MANAGER

- Environmental updates include information about a Goose Lake survey from VLAWMO, which the City Manager agreed to email to Council, in addition to posting on Facebook and the website.
- Welcoming and Inclusive Task Force applications have been reviewed by the Mayor with hopes of establishing a committee by Friday. The first meeting will begin in March, rather than February.
- Public Works Director Kauppi reiterated the Mayor's call for keeping cars off the roads during snow events and welcomed any assistance residents can provide related to clearing snow from sidewalks.
- Updates from Community Development Director, Anne Kane
 - Kane provided an update on a proposal by T.E. Miller (the developer) who is considering an opportunity site identified at 3rd and Cook, utilizing the municipal parking lot and a nearby home, which they have under contract. The developer has a neighborhood outreach meeting scheduled for next Tuesday evening with notice being

sent to all property owners within a 500 foot radius of the site. Staff will be meeting with the Economic Development Corporation and hold another meeting with downtown property owners on Thursday to keep them informed, in addition to asking the developer to follow up with Main Street's questions at a point when they have those answers.

As a rough timeline should the project move forward, staff would expect to receive a formal application in late spring/early summer, which would need zoning entitlements for the apartment complex as well as for the parking structure. To be financially feasible the project would require grant funding through a competitive application with the Metropolitan Council, and that decision would not be known until November at best. Assuming all the stars align, construction could begin in spring, 2022.

- The Housing Task Force application period has begun and was kicked off with a short video describing the need to plan for future housing opportunities in White Bear Lake, as revealed by the 2019 Maxfield Housing Study. A housing survey has been launched, which is referenced at the end of the video as well as on the website with the application. The hope is for the Task Force to formulate recommended policy and goals for the City Council to consider related to housing and development proposals in the City of White Bear Lake.

ADJOURNMENT – 8:09 p.m.